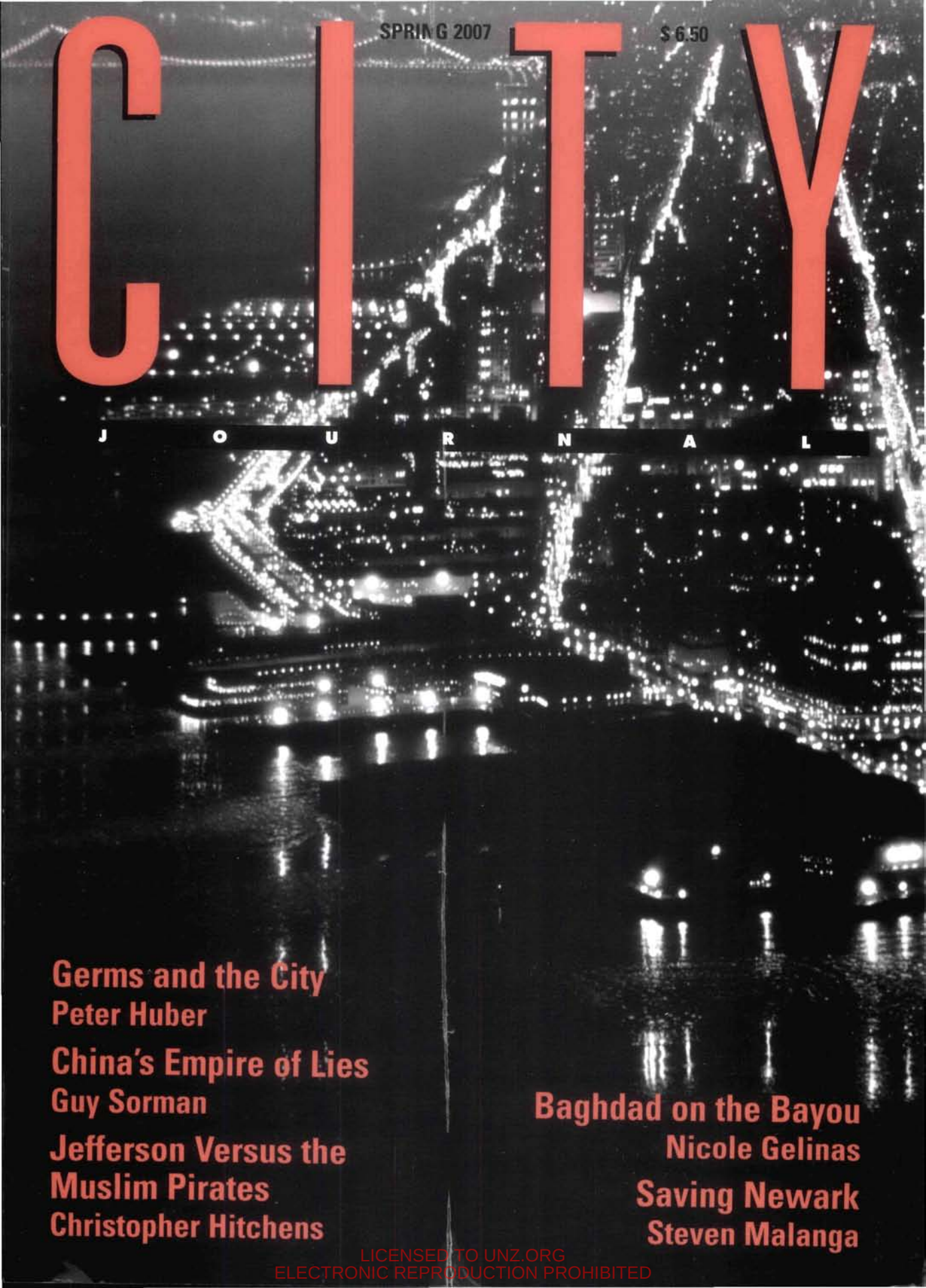

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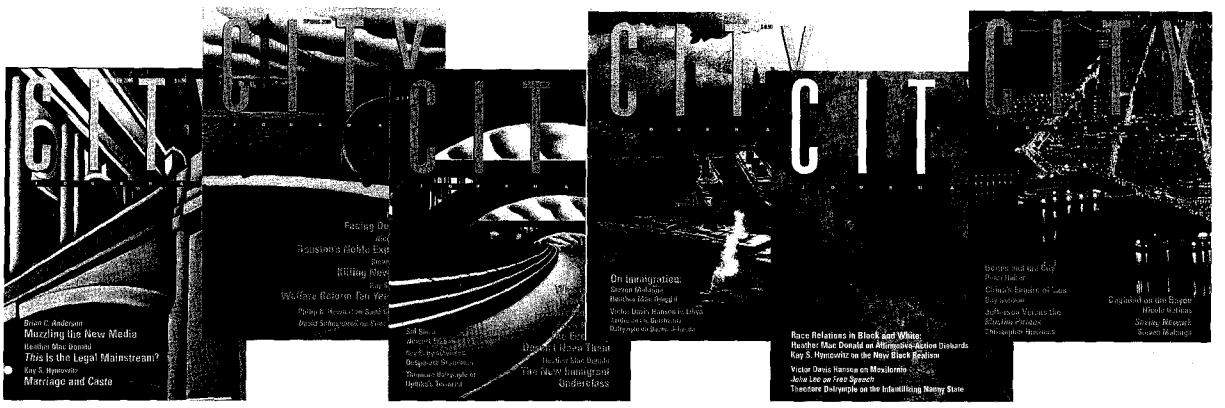

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In Prospect

Teeming with people, cities nourish creativity and commerce. But their tightly packed populations have also incubated germs—some of them lethal. In our exceptional cover story, "Germs and the City" (page 14), Peter Huber takes the reader from the birth of smallpox in the first towns of the Indus River Valley to the cholera epidemics of the Victorian era to today's first-world metropolises and their antibiotic-popping urbanites, who think of epidemics as something out of the history books (if they think of them at all). As Huber shows, it took an extraordinary cultural, political, and scientific effort to rid the city of infectious disease, a feat that we largely accomplished by the 1950s. But our very success has left us complacent and careless. We've neglected the germ-hating cultural habits that once provided the first line of defense against infection, and we have made it prohibitively expensive and difficult for drug companies to develop new vaccines and antibiotics, so that most no longer even try. But one way or another—cooked up by evolution or conjured in a terrorist's lab—microbial monsters will return. Unless we get, and stay, horrified, argues Huber, we won't be ready for them.

To flourish, cities must ward off not just killer germs but also human predators. The first duty of any urban government is to ensure that citizens aren't too scared to step outside, as two gripping stories in this issue underscore. No one's done better reporting on post-Katrina New Orleans than Nicole Gelinas, a Tulane grad and former resident of the city. Her latest on-the-ground account, "Baghdad on the Bayou" (page 42), shows how out-of-control crime—driven by a returning criminal underclass—threatens the Big Easy's recovery from the worst natural disaster in U.S. history. A murder rate that in New York would mean more than 7,000 homicides a year, together with other violent crime, endemic property theft, and general disorder, has created a climate of fear that risks driving away many of New Orleans's law-abiding residents and keeping other good citizens, eager to rebuild, from coming back. Gelinas blames weak political leadership, a revolving-door criminal-justice system, and an elite culture that still thinks that fighting crime requires solving all of society's problems first. But she sees signs of hope among some New Orleanians, whose new, we're-not-going-to-take-it-anymore attitude may save their flood-ruined city.

No one could be further from New Orleans–style political fecklessness than Newark's new mayor, Cory Booker. A rising star in American politics, Booker knows what's necessary to restore that ailing city to health, reports Steven Malanga in "Cory Booker's Battle for Newark" (page 54)—above all, a heavy dose of the "Broken Windows" policing that Rudy Giuliani famously brought to New York during the nineties. Booker confronts truly tough odds: entrenched political corruption, an urban population with severe social problems, and a higher crime rate than pre-Giuliani New York's. By all rights, Jersey's largest city, with its ideal location (just 15 minutes from Gotham) and low costs, should be prospering. Instead, its future may depend on Booker's success.

Cities also need freedom in order to thrive—something that China's people want but don't yet have, because of the Communist Party's continuing oppression, notes Guy Sorman in "The Empire of Lies," on page 30. Sorman—one of Europe's leading defenders of free markets—spent much of 2005 and 2006 in China, meeting with Party officials, dissidents, and average citizens, while visiting the vast cities as well as the impoverished, alienated countryside, where few non-Chinese go. His riveting travelogue reveals a China far weaker politically, and far more precarious economically, than many in the West recognize.

With this issue of *City Journal*, Myron Magnet becomes editor-at-large, after 12 remarkable years at the helm—years that saw a tiny quarterly blossom into one of the nation's most influential intellectual magazines. A few lines here couldn't begin to capture the gratitude that all of us at *City Journal* feel toward Myron, whose editorial judgment, literary excellence, and—the word is fitting—urbanity will inform every aspect of the magazine as it goes forward.

—*Brian C. Anderson*

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Soundings

Time for the Truth About Black Crime Rates

The lessons of the Sean Bell case

Mayor Mike Bloomberg has the chance to transform not just New York, but all American cities, by breaking the taboo on talking about the connection between race and crime. Doing so would take courage that no politician has yet mustered. But after the manslaughter and assault indictments of three New York police officers for fatally shooting Sean Bell last November, Bloomberg has an opening: acknowledge that police officers may react too precipitously to perceived threats in charged urban settings, in exchange for a wide-open discussion about the sky-high black crime rates that encourage that reaction. Crime, not police racism, drives negative police-community relations in black neighborhoods. And until the crime rate comes down, tragedies like the Sean Bell shooting may reoccur.

After the Bell shooting, which occurred outside a Queens strip joint, critics of the NYPD followed the usual script: increasingly ugly charges of police bigotry (despite the fact that several of the officers involved were black); deployment of the threat-of-black-riots weapon; calls for convictions of the officers on the most severe murder charges; and the transformation of the highly aberrant Bell shooting into the very symbol of the NYPD. To his discredit, Mayor Bloomberg joined the rush to prejudge the officers. The day after the shooting, he declared: "It sounds to me like excessive force was used." Even more irresponsibly, he deemed the incident "inexplicable," thus fueling the belief that the officers could not possibly have perceived a deadly threat and all but guaranteeing that any acquittal of them would be viewed as proof that the criminal-justice system was antiblack.

Carefully omitted from the swirl of media coverage and the denunciations of the NYPD was any discussion of black crime rates. The *New York Times* did its usual best to shroud the issue. A March article, for instance, devoted itself to charges that the police were preying on the black community. After noting that more than half the people whom cops stop and frisk are black, *Times* reporter Diane Cardwell added: "City officials maintained that those stopped and searched roughly parallel the race of people mentioned in reports from crime victims." No, actually, there is no "rough parallel" between the proportion of stops and the proportion of alleged assailants: blacks aren't stopped enough, considering the rate at which they commit crimes. Though blacks, 24 percent of New York City's population, committed 68.5 percent of all murders, rapes, robberies, and assaults in the city last year, according to victims and witnesses, they were only 55 percent of all stop-and-frisks. Of course, the *Times* didn't give the actual crime figures. Even a spate of vicious assaults on police officers in the week before the indictments didn't change the predominant story line that officers were trigger-happy racists.

But the context of the Bell shooting suggests a different picture. The undercover officers and detectives involved had been deployed to Club Kahlua in Jamaica, Queens, because of the club's history of lawlessness. Club patrons and neighbors had made dozens of calls to the NYPD, reporting guns, drug sales, and prostitution, and the police had recently made eight arrests there.

The night of November 24, undercover officer Gescard Isnora, who fired the first shots at Bell, had observed a man put a stripper's hand on his belt to reassure her that he had a gun and would protect her from an aggressive customer. Outside the club, Isnora (who is African-American) and his colleagues witnessed a heated exchange between Bell's entourage and an apparent pimp over the services of a prostitute, during which the pimp kept his hand inside his jacket, as if holding a gun. After the hooker refused to have sex with more than two of the group's eight members, Bell—presumably referring to the pimp—said, "Let's fuck him up," and Bell's companion, Joseph Guzman, said, "Yo, get my gun, get my gun." Isnora reported these exchanges over his cell phone to his colleagues in the area.

Feeling the danger level mounting, Isnora retrieved his gun from his unmarked car. When he returned to the scene, Bell and his two companions had gotten into their car, ready to

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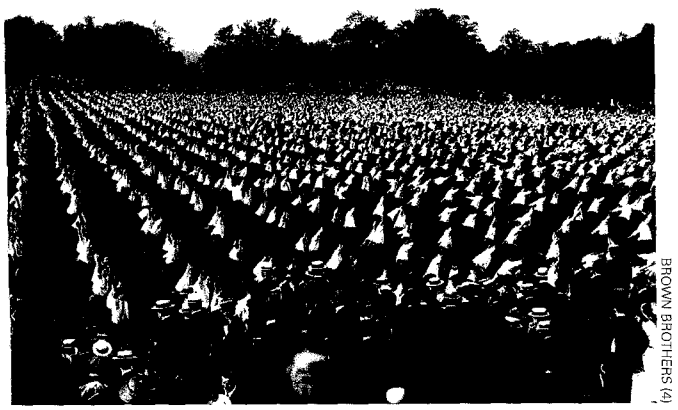

BROWN BROTHERS (4)

drive away. Isnora thought that a drive-by shooting of the pimp could be imminent, and so moved to question the car's occupants. He held out his badge (by his account), identified himself as a police officer, and told the car to stop. Instead, Bell drove forward and hit Isnora and a police minivan, backed up, and then slammed into the minivan again, nearly hitting Isnora a second time.

Isnora, who was standing on the passenger side of Bell's car, claims that he saw Guzman reach for his waistband. Believing that he faced a deadly threat, Isnora opened fire. The four other undercovers and detectives at the scene also started shooting, killing Bell and wounding Guzman and Bell's other companion in the car, Trent Benefield. No gun turned up in Bell's car. (Benefield alleges that Isnora began shooting before the car started moving, which is absurd. The barrage of 50 bullets was so fast that no witness at the scene remembers hearing more than eight rounds fired off. Bell was undoubtedly killed as soon as the shooting started, and so wouldn't have been able to move the car forward and back and forward again, as he did. None of the officers had ever used their guns before, moreover, despite making hundreds of arrests, including for gun possession. These were not trigger-happy cops.)

Without question, the results of this episode are horrific. And the tactics stank—Isnora should never have left himself as exposed as he was. But was the officers' perception of a deadly threat so unreasonable as to make their shooting a criminal homicide? If a judge or jury finds that they did not reasonably believe that they faced an imminent use of deadly force, then, according to the woefully inappropriate criminal code, their actions fall within the literal definition of manslaughter. (Showing what appears to be arbitrariness, the grand jury indicted two of the officers for manslaughter and assault—even though one of them, Isnora, did not even hit Bell—and a third for reckless endangerment, but didn't indict the remaining two officers, even though all had fired their guns.)

Isnora and his colleagues knew the following, when they saw a car racing toward them whose occupants they believed could have guns: shootings at after-hours joints like Club Kahlua are by no means uncommon. Just the previous month, a patron had been fatally gunned down outside another Queens club, the third lethal shooting there in three years. This March, a club customer in Brooklyn tried to blast an off-duty cop's head off after the two had unintentionally bumped into each other on a crowded dance floor.

Isnora and his colleagues did not know the following, but it's a further indication of the reality of crime in New York: Bell, Benefield, and Guzman had all been arrested for gun possession in the past, according to the *New York Times*. Further, Guzman had a long prison record, including a sentence for an armed robbery during which he shot at his victim. And Bell and his entourage were dealing drugs, an activity highly correlated with violence.

These specific facts about the Bell shooting are just a few of the hundreds of thousands of data points that reveal a hard truth: any given violent crime in New York is 13 times more likely to have a black than a white perpetrator. While most black residents are law-abiding and desperately deserve police protection, the incidence of criminal activity among young black males is off the charts. "A black kid between the ages of 18 and 24 is the scariest thing to cops," says a police attorney, "because they know how crazy it can get." And this is true whatever the officer's race.

The "public doesn't get how frightened cops are," says a former NYPD commanding officer.

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Soundings

"Cops are reluctant to articulate everything that goes into a shooting incident," says another former officer, retired assistant chief Jim McShane. "They're afraid to say: 'Are you kidding me? I was terrified. The guy was drinking; I told him to stop; I was afraid that someone was going to get shot.'" When an officer thinks that he is under deadly threat, he knows that any hesitation could cost him his life. NYPD officer Steven McDonald was staring down the barrel of a small gun in Central Park in the summer of 1986, held by a 15-year-old whom he had stopped to question about a stolen bicycle. Rather than immediately responding with deadly force, he paused—and was shot twice in the head and once in the arm, paralyzing him from the neck down.

Because of these realities, it's possible that officers *are* quicker to perceive—and react to—a deadly threat when dealing with young black men than they would be with other demographic groups. (Even so, fatal shootings by the NYPD are extremely rare; fatal shootings of unarmed civilians, even rarer.) And it's undeniably true that the much greater incidence of crime in black neighborhoods means that the police activity there will be higher, leading to a greater risk of the use of force.

The NYPD's goal at this point—understandably and rightly—is to do everything it can to prevent the death of another Sean Bell. The department's recently announced tactical review is more than justified. But the police can only go so far in ensuring that tragic errors, when they inevitably happen, do not happen to black males. Mayor Bloomberg has already pandered enough to antipolice activists. He should now cash in his political chips and speak the truth: the black crime rate is the most important determinant of how the police interact with the black community. Unless black leaders—real or media-created—muster the will to address the crime epidemic among black youth (most of it inflicted on other blacks), the ongoing carnage will almost inevitably include an infinitesimal number of accidental police shootings of unarmed men. Criminal activity among young African-Americans is the poison of cities and of race relations; if Bloomberg can force a conversation about it, he could help reclaim urban America.

—Heather Mac Donald

Out-in-Left-Field Trips

School trips should be about expanding students' intellectual horizons.

Piling into a school bus for a field trip to a museum or play is as central to the public school experience as mystery meat in the cafeteria. Such trips gobble up scarce time and money, true, but they can expand students' cultural and intellectual horizons, bringing abstract classroom learning to life. Since schools can offer only a limited number of trips, it makes sense not to waste them visiting places that don't serve educational goals.

Unfortunately, many schools across the nation don't seem to agree. In fact, they've been regularly removing kids from classes and zooming them off on day trips to—we're not kidding—such educational landmarks as Six Flags, Universal Studios, PETCO, Dodger Stadium, and even the local mall's food court. The schools use these excursions as "rewards" to motivate students to behave, improve attendance, complete homework, and achieve high grades.

Sometimes the unconventional field trips have an alleged educational benefit. Disney World offers schools the Youth Education Series (Y.E.S.), in which "your students can swirl through G-force motion to test the laws of physics, meet people and experience what life is like on the other side of the globe, and check out all kinds of careers from business to acting." But just in case you worried that the trip would be all work and no play, the Y.E.S. website promises: "Awesome attractions like Space Mountain®, Splash Mountain® and Big Thunder Mountain Railroad are ready to engage the playful side of your students. These and other favorite Magic Kingdom® attractions are all available to your Youth Group in discounted Theme Park ticket packages, so the sky's the limit for your group fun!"

A Chicago-based company, the Field Trip Factory, facilitates 20,000 school trips a year to retail stores, imploring educators "to start thinking differently and to ask our institutions and the business community to step up and help children learn fundamental skills through valuable experiences." And what fundamental skills might those be? At PETCO, students can learn about "animal

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welfare and responsibility." At H.E.B. supermarkets, they can discover how to "become passionate about incorporating health and wellness into their day-to-day lives."

It's worth noting that students aren't the only ones rewarded by going to an amusement park or a shopping mall instead of spending the day in school. A key feature of these trips is that someone other than the teacher is primarily responsible for supervising students. Theme parks, for instance, often have a surrounding fence, with only one entrance and exit. Teachers need only to guard the exit; otherwise, they don't have much to do. Teachers can also relax when retail staff lead student groups on tours and market their wares. The teachers generally view these unconventional field trips as a break from the daily grind of classroom instruction.

The educational value of such trips is dubious, however. Do students really need school help to "experience" the local mall? The desire to go to a museum or historic site, by contrast, is something that educators might need to cultivate among students. But if we're to make good use of the resources devoted to field trips, such hard work is necessary.

And when kids get good grades, let their parents be the ones who reward them with roller-coaster rides.

—Jay P. Greene, Matthew Carr, and Marc Holley

Engineering Souls

The British tolerance police seek to remake language and the family.

When the cold war ended, I thought, as no doubt did many others, that the age of ideology was over. Again like many others, I underestimated man's need for transcendence, which, in the absence of religion or high culture, he is most likely to find in a political or social cause.

The appeal of political correctness is that it attempts to change men's souls by altering how they speak. If one sufficiently reforms language, certain thoughts become unthinkable, and the world moves in the approved direction. The deliberate and conscious reform of language is

therefore not the work of pedants, but of philosopher-kings. Stalin called writers "engineers of souls," but they are at best (or worst) auxiliaries: the real engineers are the bureaucrats.

Recently, the British government announced that it would cease using "he" as the impersonal pronoun in its official documents. A planned development would replace the organic development of the language, and a host of language policemen (or policepersons) would presumably enforce it. Perhaps the government will come up with a Five-Year Plan for the English language.

There are other ways of changing men's souls. In the same week, Britons learned that several public education authorities were piloting a scheme—at huge public expense—to provide students with storybooks in which children grow up with two adults of the same sex. The scheme, run by an enterprise called the No Outsiders Project, was the idea of several state-run institutions, including the Institute of Education (the ultimate source of much of Britain's anti-educational pedagogy, which has left so many of its young unable to read, write, or reckon). The very name—No Outsiders—is an implicit lie, since the project's organizers will treat people whose views they find contrary as outsiders, indeed as nonexistent.

Project director Elizabeth Atkinson said, with the dishonest imprecision that one now expects of British academics, that "the most important thing these books do is reflect reality for children." Insofar as what she said had denotation

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rather than mere connotation, it was wrong: a very small percentage of children, even now, grow up with two adults of the same sex, and therefore the books do not reflect reality for them. She went on: "My background is in children's literature and I know how powerful it is in shaping social values and emotional development." She is a self-confessed engineer of souls.

The ultimate goal of the books, however, is not to promote gay parenting but to convey to children that it is not normal for them to grow up with their biological parents; and thereby, by erasing the very idea of such a "normal" path through life, to help bring about a world without nuclear families, which require no state assistance in many important matters. To paraphrase Freud, where the father was, there shall the state be.

—Theodore Dalrymple

Many Happy Returns

Activist investors may face some Chinese competition.

In March, China made an announcement mostly unnoticed outside the business pages: it would make a major change in the way that it invests its vast foreign-currency reserves, which total over $1 trillion. China has piled up its cash mountain thanks to its record trade surpluses, generated largely through exports to the U.S. and other Western countries. It hasn't put this cash into stocks, corporate bonds, or big private investments; instead, it has gobbled up American government debt. This debt purchasing has helped keep U.S. interest rates low.

But China doesn't get a very high return on those AAA-quality bonds—likely only half, or less, of what it could make in riskier investments. So to boost returns, it is launching an investment arm to diversify its holdings, with the goal of using its investment clout to "increase the efficiency of management and the investors' returns," says finance minister Jin Renqing. China hasn't said how much of its money it will let the new agency play with, but if it's, say, 20 percent, the fund would start life with over $200 billion on hand. From day one, such an agency would rival the world's biggest pension funds. New York, for example, invests $140 billion of taxpayer money to fund retirement benefits for many of the state's public employees, while California's biggest pension fund oversees $233 billion.

Despite Jin's statement, China likely will instruct the agency to invest money in companies or nations that produce the raw materials that the country needs to sustain its rapid domestic growth—Middle Eastern and African oil projects and South American mining, for example. China's increased investing muscle in such areas has troubling geopolitical implications: if it puts money into a Sudanese petrochemical project, for instance, it decreases the leverage of other nations and international companies, which might use withheld investments to press Sudan to improve its abysmal human rights record.

But China's new investment arm could also pour money into publicly traded, American-headquartered companies such as ExxonMobil and Wal-Mart. That's where things could get really interesting. Activist public-sector pension funds in America and their private-sector union allies often use their leverage as big investors to get corporate management and boards to protect union jobs—as California's fund, Calpers, did with the Safeway supermarket chain a couple of years back—or to take certain political stands, such as advocating for carbon-emissions caps. These funds' trustees, usually political or union officials, justify exerting such pressure by citing the idea of "shareholder democracy." Shareholders are just like voters, they say, and should play a big role in shaping the decisions that companies make.

But as UCLA prof Stephen Bainbridge has noted, companies aren't supposed to be democratic. Managers can't perform well if they must please competing coalitions on their boards; they need to execute a single cohesive long-term strategy. That's why every company board member is supposed to represent *all* shareholders, and not, say, particular labor or environmental interests.

Until now, activist pension funds have happily advocated "shareholder democracy" because they've had the most votes. (Unlike these funds, most big private investors don't use their stakes in firms to agitate for goals beyond competitive investment returns.) But what if China, a huge institutional investor, amasses large stakes in

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publicly traded companies? Public-sector pension funds could lobby manufacturers like the Big Three automakers, Boeing, and John Deere to keep good union jobs here. But China, as a shareholder with an eye toward higher-quality jobs at home, could take the opposite position, encouraging the creation of more jobs on its own soil—in the name of "increasing the efficiency of management and the investors' returns," of course.

—Nicole Gelinas

The Most Reckless State

New Jersey has been on an unsustainable hiring spree.

New Jersey emerged last year as the country's most fiscally unfit state, overwhelmed by huge budget deficits and stratospheric taxes. New Census Bureau data reveal a key reason why the Garden State is so abusive to taxpayers: the state and its local governments have been on a hiring bender, virtually unmatched across the nation. Since 2000, Jersey's governments have signed up nearly 63,000 new full-time workers and "full-time equivalents" (a statistic that's created by starting with part-time employees' hours and figuring out how many full-timers it would take to work them).

The new workers place New Jersey fourth among states in total public-sector hiring growth, the census shows. Just three states—California, Florida, and Texas—hired more government workers than Jersey has since 2000, and they've got much larger populations. Also, those states' populations expanded at least as fast as their public workforces did. Jersey's population, by contrast, has increased by less than 4 percent, even as its state and local public-employee ranks have swelled 14 percent—double the national average.

Jersey's payroll padding has been costly. Governments in the Garden State have inflated payroll spending by 38 percent, or $655 million, in the last six years—and that figure doesn't include the steep additional costs of pensions and employee benefits. New Jersey and its municipalities would save about $250 million annually in payroll costs alone if public-sector hiring had merely kept pace with inflation and population growth.

It hasn't always been this bad. From 1995 through 2000, public-sector employment in the state grew by just 2.7 percent under Republican governor Christine Todd Whitman. Jersey's hiring binge started under temporary Republican governor Donald DiFrancesco, who replaced Whitman when she joined the Bush administration, and accelerated under Democratic governor Jim McGreevey, who fueled government growth not only with tax hikes but with borrowing, too (a practice that the state's supreme court later deemed illegal). State government led the way with a 15 percent increase in workers. However, McGreevey also facilitated local spending binges by increasing funding to municipalities, which used the money not to cut taxes but to boost hiring 12 percent. All this profligacy took place against the backdrop of a steep economic slowdown that began in mid-2001 and continued through most of 2006.

Meantime, Jersey's typically more prodigal neighbor, New York State, has shown admirable restraint in hiring of late. Since 2000, public-sector jobs in New York State have grown by about 1.5 percent—less than the state's rate of population gain. That placed New York 45th among the states in public-sector job expansion. Payroll increased just 22 percent, in line with both inflation and population growth. Of course, New York must maintain its abstemious ways to make up for past hiring binges. The average state employs 530

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government workers per 10,000 residents. New York, even with its recent discipline, employs about 616. New Jersey, meanwhile, has jumped in the last six years from 530 government workers per 10,000 residents to 587. If it wants to dig itself into the same fiscal hole that New York has been in for years, it's doing a good job.—*Steven Malanga*

Ban the Bats, Hold the Fats

New York's busybody city council is at it again.

A generation of Little Leaguers knows the distinctive sound that a baseball makes when it's hit with a metal bat. But that sound will never be heard again at New York high schools, thanks to the City Council, which has passed a bill banning metal bats from high school baseball games. The bill won sufficient votes to override a potential veto from Mayor Bloomberg. But the mayor's extraordinary enthusiasm for government nannying would make a veto unlikely anyway.

Metal bats are dangerous, the council says, because they propel balls faster than wooden bats do, possibly not allowing pitchers enough time to protect themselves—especially when physically maturing high school–age batters are doing the swinging. A few highly publicized cases of players either killed or seriously injured by balls struck by metal bats prompted the legislation. A Brown University study determined that balls hit by metal bats do, in fact, travel faster, but drew no further conclusions.

The larger question, of course, is why the council believes it necessary to micromanage school sports. Isn't that the job of parents and coaches? After all, baseballs struck by wooden bats regularly injure kids—and big leaguers, too. Pitched baseballs can be dangerous as well. Batters have good reason to be more worried about what Roger Clemens might do to them than the other way around, as former Met Mike Piazza can attest. Maybe the council should just ban baseball, period.

The council's bat ban went through as part of a session devoted to other meddlesome work, such as forcing businesses to provide helmets to employees using bicycles. And it comes on the heels of the Bloomberg era's most visionary idea since outlawing smoking in bars: a ban on trans fats in restaurants, originally passed by the Board of Health and now given the force of law by the council, which had feared that future mayors might do away with it. "The legislature of the greatest city in the world is protecting its citizens from trans fats, and everyone else should do the same thing," said Councilman Peter Vallone, Jr.

Compared with that inspiring directive, banning metal bats may seem like small ball. But it perfectly expresses the council's and the mayor's underlying belief: too much liberty is hazardous to your health. —*Paul Beston*

Broken Windows Turns 25

And it has worked wonders on both coasts.

Twenty-five years ago, social scientist James Q. Wilson and criminologist (and Manhattan Institute senior fellow) George Kelling first introduced the phrase "Broken Windows" into the public policy lexicon. In a pathbreaking *Atlantic Monthly* article, Wilson and Kelling pointed out that people were likelier to vandalize a building with one broken window than a building with none, since a broken window sends the message that nobody cares, encouraging vandals to act on their destructive impulses. Similarly, they suggested, if a community tolerates quality-of-life offenses, such as drug use and prostitution, it signals to all potential lawbreakers that it doesn't care what happens to it; more serious crime will soon result.

In the early nineties, the chief of New York City's transit police, William Bratton, put the Broken Windows theory into practice. With Kelling as consultant, Bratton began to go after the fare evaders, aggressive panhandlers, pickpockets, and other petty (and not so petty) criminals who had turned the subway system into what he called "the transit equivalent of Dante's Inferno." Bratton also had cops enforce anti-loitering laws to steer the homeless away from the subways and toward social services. Homeless advocates and civil libertarians fought him every step of the way, but Bratton prevailed, bringing order to the

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chaotic system. Sure enough, not only did minor crime plummet; serious crime did, too, and ridership soared. In nabbing low-level offenders, Bratton also discovered that many of them were wanted for much more serious crimes.

A few years later, Mayor Rudy Giuliani chose Bratton as his top cop and charged him with leading a similar revolution above ground. The rest, as they say, is history. With Broken Windows as a key part of a broader reform of policing (including the introduction of new accountability measures and computer analysis of crime patterns), the Giuliani era saw serious crime fall 65 percent in Gotham, sparking a citywide revitalization. Bratton's successors—Howard Safir and Bernard Kerik under Giuliani, and now Ray Kelly under Mayor Mike Bloomberg—have kept the policing innovations in place.

Bratton is now the chief of police in Los Angeles, where he has successfully employed many of the tactics that worked in New York. His latest challenge is restoring order and civility to Skid Row, a section of downtown L.A. that may be the nation's largest homeless encampment and open-air drug market. As Kelling, again a consultant to Bratton, puts it, Skid Row is "perhaps the only place in the United States that could compete with the old New York City subway system in the magnitude of its sheer lawlessness, pathology, and tragedy."

Six months ago, Bratton launched an initiative in Skid Row that includes both stepped-up law enforcement and social outreach. The initiative has added 50 officers to the area's regular police contingent to target not only drug-related crime but also misdemeanors like littering, property defacement, and theft. So far, they've made some 5,000 arrests, mostly for felony narcotics sale. They are also enforcing a new ordinance that prohibits sleeping on the sidewalk during the day, now that the rule has survived an array of legal challenges. And the police have removed the shantytown of boxes and tents that the homeless had erected on Skid Row's sidewalks.

At the same time, these officers have been working hand in hand with social workers to help the truly homeless—most of them mentally ill or addicted to drugs and alcohol—get the services they need. Further, Democratic mayor Antonio

Villaraigosa has charged the city attorney with investigating a host of cases in which hospitals denied service to Skid Row's homeless and literally dumped them onto the street.

The American Civil Liberties Union has predictably dragged the LAPD into court, claiming that the cops are "harassing the homeless" and "criminalizing the poor." But Bratton sensibly retorts: "Being homeless is not a crime. What Mayor Villaraigosa and I are trying to do is rid the neighborhood of the drug dealers and violent criminals who prey on the homeless, and help the genuinely homeless find the housing and services they need."

The results of the Skid Row cleanup recall New York's crime turnaround. Violent crime in the area is down 32 percent from this time last year; property crime has fallen 38 percent. The homeless population sleeping on the streets is now fewer than 700, down from about 2,000 before the campaign. The LAPD has also dismantled the leadership of the notorious 5th and Hill gang, which controlled drug sales in Skid Row. Downtown business leaders are unanimous in praise, and social-services providers report that more people who need help are getting it.

Happy birthday, then, to Broken Windows. Citizens on both coasts now have reason to celebrate the theory—and the return of urban civility.

—*Charles Sahm*

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Germs and the City

Two centuries of success against infectious disease have left us complacent—and vulnerable.

Peter Huber

There have been at work among us three great social agencies: the London City Mission; the novels of Mr. Dickens; the cholera." Historian Gertrude Himmelfarb quotes this reductionist observation at the end of her chapter on Charles Dickens in *The Moral Imagination;* her debt is to an English nonconformist minister, addressing his flock in 1853. It comes as no surprise to find the author of *Hard Times* and *Oliver Twist* discussed alongside Edmund Burke and John Stuart Mill in a book on moral history. Nor is it puzzling to see Dickens honored in his own day alongside the City Mission, a movement founded to engage churches in aiding the poor. But what's *V. cholerae* doing up there on the dais beside the Inimitable Boz? It's being commended for the tens of millions of lives it's going to save. The nastiness of this vile little bacterium has just transformed ancient sanitary rituals and taboos into a new

In 1853, Victorian doctor John Snow traced Soho's lethal cholera epidemic to the Broad Street Pump, . . .

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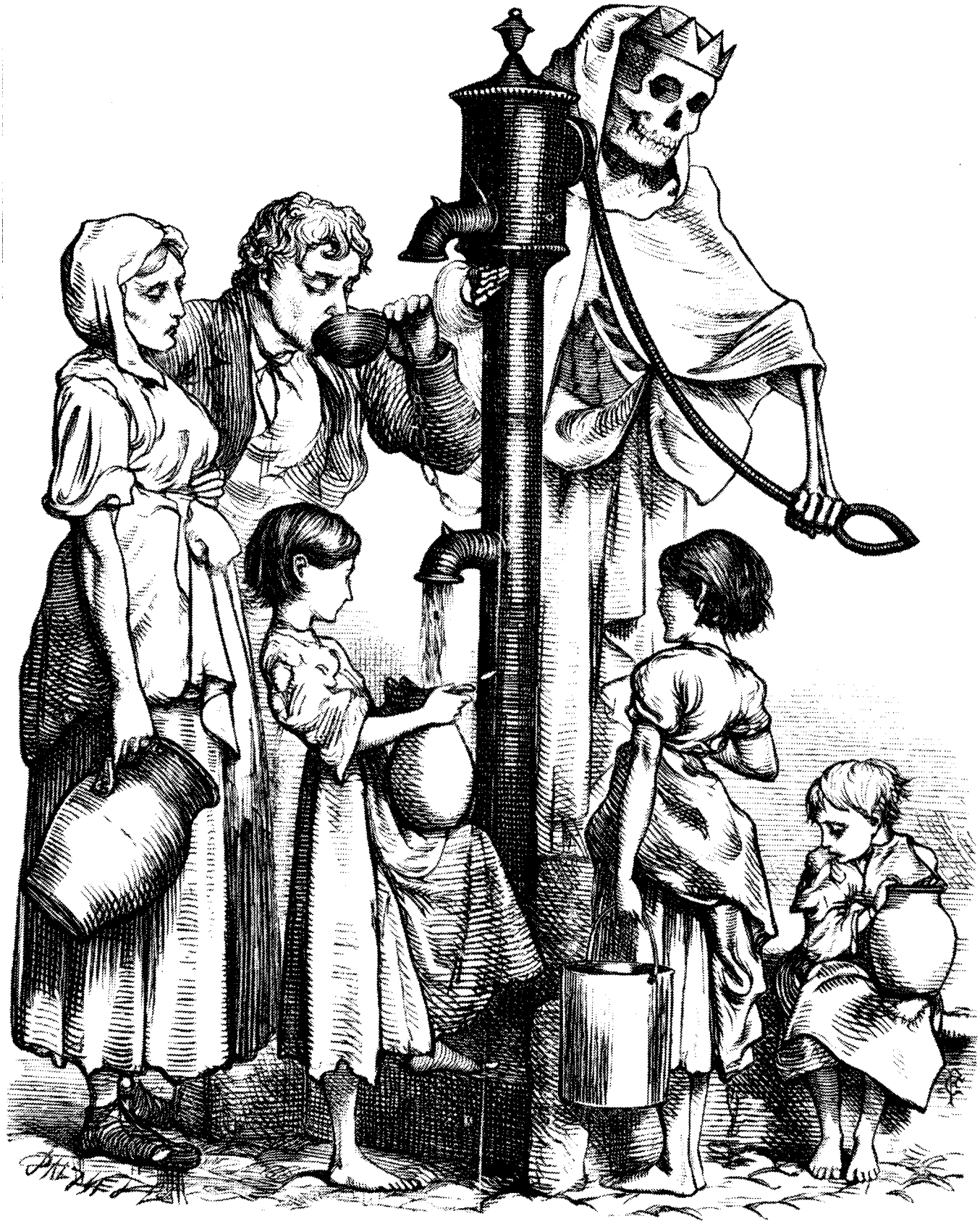

DEATH'S DISPENSARY.

OPEN TO THE POOR, GRATIS, BY PERMISSION OF THE PARISH.

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science of epidemiology. And that science is about to launch a massive—and ultimately successful—public effort to rid the city of infectious disease.

The year 1853, when a Victorian doctor worked out that cholera spread through London's water supply, was the turning point. Ordinary people would spend the next century crowding into the cities, bearing many children, and thus incubating and spreading infectious disease. Public authorities would do all they could to wipe it out. For the rest of the nineteenth century, they lost more ground than they gained, and microbes thrived as never before. Then the germ killers caught up—and pulled ahead. When Jonas Salk announced his polio vaccine to the press in April 1955, the war seemed all but over. "The time has come to close the book on infectious disease," declared William Stewart, the U.S. surgeon general, a few years later. "We have basically wiped out infection in the United States."

By then, however, infectious diseases had completed their social mission. Public authorities had taken over the germ-killing side of medicine completely. The focus shifted from germs to money—from social disease to social economics. As germs grew less dangerous, people gradually lost interest in them, and ended up fearing germ-killing medicines more than the germs themselves.

Government policies expressed that fear, putting the development, composition, performance, manufacture, price, and marketing of antibiotics and vaccines under closer scrutiny and control than any public utility's operations and services. The manufacturers of these drugs, which took up the germ-killing mission where the sewer commission left off, must today operate like big defense contractors, mirror images of the insurers, regulatory agencies, and tort-litigation machines that they answer to. Most drug companies aren't developing *any* vaccines or antibiotics any more. The industry's critics discern no good reason for this at all: as they tell it, the big drug companies just can't be bothered.

BRITISH MUSEUM, LONDON, UK/THE BRIDGEMAN ART LIBRARY

. . . which dispensed already-tainted water even before it reached the effluvial, polluted Thames.

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London Water Companies
BROUGHT FORTH ALL MONSTROUS, ALL PRODIGIOUS THINGS,
HYDRAS, AND GORGONS, AND CHIMERAS DIRE. Vide Milton
alled THAMES WATER, being a correct representation of that precious stuff doled out to us

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These problems capture our attention only now and again; they hardly figure in the much louder debate about how much we spend on doctors and drugs, and who should pay the bills. "Public health" (in the literal sense) now seems to be one thing, and—occasional lurid headlines notwithstanding—not a particularly important one, while "health care" is quite another.

We will bitterly regret this shift, and probably sooner rather than later. As another Victorian might have predicted—he published a book on the subject in 1859—germs have evolved to exploit our new weakness. Public authorities are ponderous and slow; the new germs are nimble and fast. Drug regulators are paralyzed by the knowledge that error is politically lethal; the new germs make genetic error—constant mutation—the key to their survival. The new germs don't have to be smarter than our scientists, just faster than our lawyers. The demise of cholera, one could say, has been one of the great antisocial developments of modern times.

By withdrawing from the battlefield just long enough to let us drift into this state of indifference, the germs have set the stage for their own spectacular revival. Germs are never in fact defeated completely. If they retire for a while, it's only to search, in their ingeniously stupid and methodically random way, for a bold new strategy. They've also contrived, of late, to get human sociopaths to add thought and order to the search. The germs will return. We won't be ready.

Microbes discovered the joys of socialism long before Marx did, and in matters of health, they made communists of us all. Since the dawn of civilization, infectious disease has been the great equalizer, with the city serving as septic womb, colony, and mortuary. Epidemic—"upon the people"—is the democracy of rich and poor incinerated indiscriminately by the same fever, or dying indistinguishably in puddles of their own excrement.

The Mao of microbes was smallpox, which killed 300 million people in the twentieth century alone. Sometimes called the first urban virus, it probably jumped from animals to humans in Egypt, Mesopotamia, or the Indus River Valley, at about the same time that the rise of agriculture began drawing people together in towns and cities. Smallpox has also been called nature's cruelest antidote to human vanity. Princes broke out in the same pustules as paupers, reeked as foully of rotting flesh, and oozed the same black blood from all their orifices. Alongside millions of nameless dead lie kings of France and Spain, queens of England and Sweden, one Austrian and two Japanese emperors, and a czar of Russia.

While the germs reigned, there wasn't much rest-of-medicine to speak of: infections eclipsed every other cause of illness but malnutrition. And when monarchs were dying, too, language and politics honestly tracked medical reality. The "social" in "social disease" reflected an epidemiological fact. It also pointed to a practical, collective solution. Disease arose and spread when people converged to create societies. It was caused by invisible agents that individuals could not control on their own. It could be eradicated only by social means—public sanitation, slum clearance, education, and, above all, a robust, germ-hating culture. It took a city to erase a cholera.

This was the overarching insight that crystallized in the public consciousness in the first half of the nineteenth century. "In the Victorian version of the Puritan ethic," Himmelfarb writes, "cleanliness was, if not next to godliness, at least next to industriousness and temperance." For Dickens, as Himmelfarb and others have observed, the filth in the Thames symbolized the city's insidious taint, its ubiquitous, effluvial corruption. What social historians often fail to note, however, is that by the time Dickens was placing the Thames at the center of London's many ills, a new science had emerged to move the river far beyond metaphor.

Epidemiology—the rigorous science of public health—was born with physician William Farr's appointment as controller of London's General Register Office in 1838. Directed to do something about the cholera epidemic, Farr began systematically recording who was dying and

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where. The most important things he discovered were negative. Wealth didn't protect you from cholera. Neither did occupation, or residing close to the sea. What mattered was how high above the Thames you lived. Farr concluded that the river's horrendous stench caused the disease. Another English doctor, John Snow, made the right connection in 1853: London's sewers emptied into the Thames, so the farther down-sewer you lived, the more likely you were to drink foul water. A year later, Snow saved countless lives by persuading parish authorities to remove the handle from the Broad Street pump in Soho.

The rest is history. By pinning down the waterborne pathway of contagion, Farr and Snow had transformed a devastating public disease into a routine exercise in civil engineering. In 1858, Parliament passed legislation, proposed by then-chancellor of the exchequer Benjamin Disraeli, to finance new drains. Charles Dickens published his last novel—*Our Mutual Friend,* in which the main character is the pestilential Thames—in 1864. London suffered its last cholera epidemic in 1866.

This wasn't the end of great plagues in the city, or even the beginning of the end, but it was the end of the beginning. In 1872, Disraeli rallied his Tory Party around what his Liberal opponents derided as a "policy of sewage"—reforms involving housing, sanitation, factory conditions, food, and the water supply—and while he served as prime minister, these policies became law. For the next 50 years or so, in the United States as in Britain, public health depended on city bureaucrats above all. They wasted little time with sick patients, other than sometimes ordering them to lock their doors and die alone. They focused instead on eradicating germs before they reached the patient, and that meant attending to the water, sewage, trash, and rats.

In a recent *British Medical Journal* survey, public sanitation was voted the most important medical advance since the journal was established in 1840. If we don't think of public sanitation as "medical" any more, it's only because the municipal bureaucrats who followed Farr cleaned things up so well.

"Microbes discovered socialism long before Marx did, and in matters of health, they made communists of us all."

As they ran out their welcome in public spaces, microbes went private. They still had to move from person to person, but there could be no more carefree joyrides on rats or surfing through the water supply. People themselves, however, are almost as infectious as their sewers. Clean water alone could not eliminate coughs, dirty hands, and filthy food.

The systematic pursuit of germs into the flesh of patients didn't really begin until the very late nineteenth century. Jenner's smallpox vaccine was already a century old, but it owed its existence to the lucky fact that the human pox had a weak cousin that infected cows. (We give our kids the "cow treatment"—*vacca* is Latin for cow—every time we do as Jenner did, and challenge their immune systems with a corpse, cousin, or fragment of a horrible microbe.) The systematic production of other vaccines had to await the arrival of Louis Pasteur and Robert Koch, who developed procedures for isolating microbes and then crippling or killing them.

Vaccines, health authorities quickly recognized, are quintessentially public drugs. They expel germs not from the public water but from the not-quite-private lungs, fluids, and intestines of the public itself. When enough people get vaccinations, "herd immunity" protects the rest.

Five human vaccines arrived in the late nineteenth century, and many others would follow in the twentieth. They weren't developed quickly or easily, but they did keep coming. In due course, and for the first time in human history, serious people began to believe that infectious disease might come to an end. Scientists could

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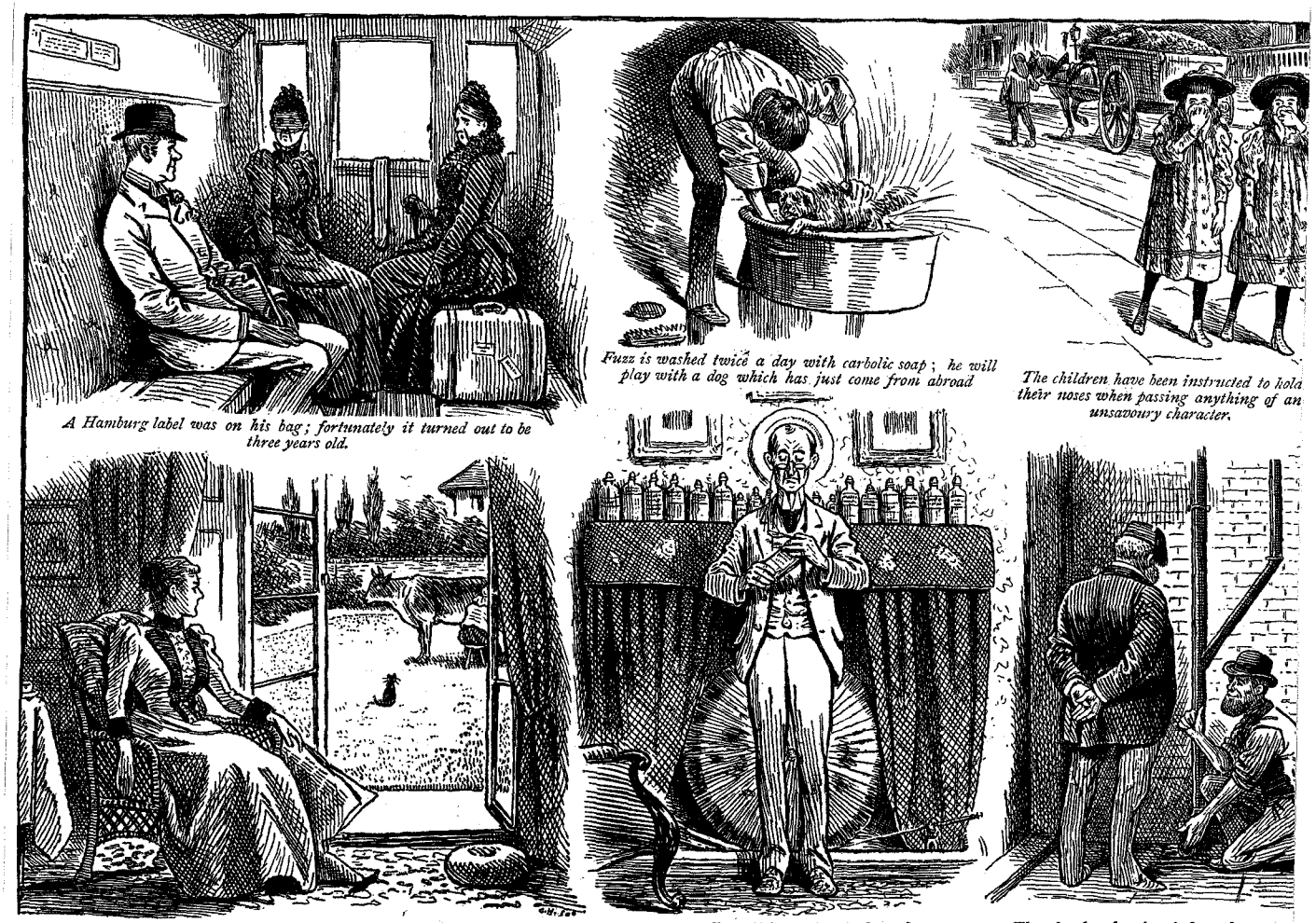
A Hamburg label was on his bag; fortunately it turned out to be three years old.
Fuzz is washed twice a day with carbolic soap; he will play with a dog which has just come from abroad
The children have been instructed to hold their noses when passing anything of an unsavoury character.
To reduce the chances of drinking contaminated milk the cow is milked before our eyes on the lawn.
As we get all medicines advertised we have a somewhat large collection
The plumber has just informed us our are radically wrong and must all come

THE CHOLERA SCARE: PREVENTION IS BETTER THAN CURE

"Cleanliness is next to godliness" advanced the germ-hating Victorian culture—that we discarded.

painstakingly isolate germs that attacked humans. Drug companies then would find ways to cultivate and cripple the germs, and mass-produce vaccines to immunize the public. Disease would fall, one germ at a time, and when they were all gone, good health would be pretty much shared by all.

New laws, vigorously enforced, drafted the healthy public into the war on germs. England mandated universal smallpox vaccination in 1853. Facing a smallpox outbreak, Cambridge, Massachusetts, decreed in February 1902 that all the town's inhabitants "be vaccinated or revaccinated," set up free vaccination centers, and empowered a physician to enforce the measure. A certain Henning Jacobson refused to comply, insisting on a constitutional right "to care for his own body and health in such way as to him seems best." The U.S. Supreme Court disagreed, easily upholding the "power of a local community to protect itself against an epidemic threatening the safety of all." Later enactments

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would require the vaccination of children before they could attend public schools. Adults who traveled abroad had to be vaccinated if they planned to come home. Albert Sabin's polio vaccine took things even further—the vaccine itself was infectious. A child swallowed a live but weakened virus soaked into a sugar cube, and then went home and vaccinated his siblings and parents, too.

The germ killers didn't really get into the business of private medicine—curing already-sick patients—until the development of sulfa drugs in the 1930s, followed by antibiotics after World War II. Even then, much of the cure still lay in preventing the infection of others. The paramount objective with tuberculosis, for instance, was to wipe out the tubercle bacillus so thoroughly that nobody would need streptomycin any more, because nobody would come into contact with any other infected person or animal.

"Big government attacked the infectious microbes with genocidal determination, expelling them from society."

Year by year, one segment or another of the public sector contrived to take a little more control, directly or indirectly, over the development, distribution, and price of vaccines. Soon after the development of the polio vaccine in the 1950s, Washington launched a program to promote and subsidize the vaccination of children nationwide. At about the same time, the Soviet Union proposed a global campaign to eradicate smallpox. The World Health Organization officially launched the campaign in 1966, and it ended in triumph 20 years later.

A complete socialization of the war against germs seemed sensible. The germs, after all, lived in the public water, floated through the public air, and passed from hand to hand in the public square. Individuals might buy their own vaccines, antibiotics, bottled water, and face masks. But collective means could make all of that forever unnecessary. And they did. Big government attacked the infectious microbes with genocidal determination, expelling them, one by one, from human society. Defiled by monstrous human fratricide, the first five decades of the twentieth century were also the triumphant decades of public health.

To stay prepared, however, human culture apparently requires regular booster shots of smallpox, cholera, plague, or some other serious disease that indiscriminately sickens and kills. Without periodic decimation, ordinary people apparently forget what germs can do, the authorities grow complacent, scientists turn their attention elsewhere, and private capital stops investing in the weapons of self-defense.

As Sherwin Nuland observes in *How We Die*, AIDS struck just when "the final conquest of infectious disease seemed at last within sight." In 1981, a weekly Centers for Disease Control report noted a sudden increase in a specific strain of pneumonia in California and New York. Before long, we had it on Oprah Winfrey's authority that the germs were back and were after us all. "One in five heterosexuals could be dead of AIDS in the next three years," she declared in February 1987.

Whatever they were thinking about HIV, the heterosexuals had, by that point, plenty of other venereal diseases to worry about. A tragically large number of young women had contracted chlamydial infections serious enough to leave them infertile. Herpes, gonorrhea, syphilis, and some types of sexually transmitted hepatitis were also on the rise. The sexual revolution seems in retrospect to have been led by people who took William Stewart at his word when he consigned infectious disease to the dustbin of history. But rampant promiscuity packs people together tighter than slums, and germs rush in where angels fear to tread. It has taken a great deal of readily avoidable suffering and death to establish that people do need sexual

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Government deployed the weapons of science in the war against germs.

taboos—taboos at the very least robust enough to thwart microbes, if not with less sex, then with more latex.

As social agents go, however, HIV and chlamydia accomplished far less than cholera. It was the demise of a germ-hating culture that had helped clear the way for new epidemics of venereal disease, and the resurrection of that culture still has a long way to go. Many people in positions of authority and influence continue to affirm the tattoo artist's expressive freedom, the bag lady's right to sleep next to the sewer, the mainliner's right to share needles in an abandoned row house, and the affluent parent's right to interpose a "philosophical objection" between his child and the vaccinations demanded by public schools. They propound grand new principles of freedom, privacy, and personal autonomy to protect septic suicide, even septic homicide. Social doctors in Dickens's day didn't have to invade anyone's privacy to track smallpox—it announced itself on its victims' faces. Tracking HIV, by contrast, requires a blood test, and privacy police dominated the first 20 years of the fight over testing.

A legal system that affirms the individual's right to do almost everything at the germ-catching end now struggles to decide when, if ever, we can force the Typhoid Marys of our day to stop pitching what they catch. The law that once ordered a healthy Henning Jacobson to roll up his sleeve can no longer compel a virulent celebrity to zip his fly. Infectious lifestyle, once a crime, is now a constitutional right.

Many people just don't care much, and it's easy to see why. Habits and lifestyles that the Victorians learned to shun look a lot less vile when they lose not only their repulsive cankers, pustules, sputum, fevers, diarrhea, dementia, and emaciation, but also their power to impose these horrors on the neighbors. Just three months after Oprah warned heterosexuals about AIDS, President Reagan thought it necessary to remind us that we were battling a disease, not our fellow citizens. Everyone knew why. The gay community had good reason to fear that many Americans might be thinking: HIV isn't my problem, it's theirs. The new choleras are

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indeed much less social than the old. Why shouldn't they forever remain so?

Over the morning coffee and toast, consumed in our tidy little kitchens, we read that drug-resistant tuberculosis is a cause for growing concern—but mainly in prisons. So too are new drug-resistant staph infections—in tattoo parlors and the foulest of locker rooms. And it's in private drug dens, bedrooms, and bathhouses, of course, that infectious germs have made their biggest comeback, contriving to get themselves spread by not-quite-private needles and genitalia. True, the germs incubated in abandoned houses, cardboard boxes, and other hovels have drifted into run-down urban hospitals, whose emergency rooms often provide primary care to the patients most likely to harbor the worst germs. But they haven't moved much farther than that. Sharing the city, it seems, no longer means sharing smallpox and the plague.

MUSEE D'HISTOIRE DE LA MEDECINE, PARIS, FRANCE/ ARCHIVES CHARMET/ THE BRIDGEMAN ART LIBRARY

"The law that once ordered a healthy man to roll up his sleeve can no longer compel a virulent celebrity to zip his fly."

The epidemiological facts—beyond serious dispute—support the complacent majority. Germs used to ravage young bodies with inexperienced immune systems; now they mainly take the old. Though death certificates still quite often record an infection as the final cause of death, germs now are mostly epitaph killers, moving in on immune systems terminally crippled by old age, heart disease, cancer, stroke, and Alzheimer's.

In the pantheon of disease and death, lifestyle and genes have completely eclipsed germs. The great agent of social change today isn't cholera; it's cholesterol. It propagates via drive-through windows, not sewers. Crowds don't flee the city when it strikes; they pay extra for a supersize serving. In the heyday of public health, public money went to clean up public filth. Today, we're sick because we spend our private money buying bad health by the pack, the bottle, and the Happy Meal. Small wonder, then, that the germ-fighting social norms once ranked next to godliness still seem to many as antiquated as the whalebone hoops that defended Victorian virtue.

If we took the new microbes seriously, we could certainly beat them. The science for tracking, immunizing against, and annihilating germs grows more vigorous, innovative, and youthful with each passing year. But insurers and regulators now control how we use that science, and as the germ-phobic culture has decayed, they've grown increasingly slow and rigid. Many competent people at the top echelons of government worry deeply about this problem. Yet as they scramble to address it, they must hack their way through laws and bureaucracies that have accumulated and thickened since the 1960s. Technical know-how isn't enough; collective will is also necessary. Yet—paradoxical as it sounds—collective will is what was lost as government took over the show.

Good sewers, public sanitation, and fresh water are undoubtedly public ends, best advanced by public means. Yet though germ killing begins in public, it must, as the Victorians grasped, end in private, and this is where the government's attempt to take charge of everything has had terrible consequences. The Victorians had nothing but culture to wield against germs on private premises, so they taught that clean was virtuous, and dirty sinful, and they taught it very persistently to everyone. But the big, efficient, technocratic government agencies of our day don't do virtue and sin—they requisition, stockpile, subsidize, proscribe, and mandate. And they teach—implicitly but persistently—that germs are government's responsibility, not yours. Socialized germ killing makes it a lot easier for people to lose touch with the personal side of germicide.

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When the government then tries to clean up human bodies with the same heavy hand that it uses to clean up the sewers, it can end up fighting both amnesiacs and those who remember too well. The forgetful push back because they are sick and tired of being hectored by the universal nanny about washing hands, vaccinating kids, and countless other time-wasting nuisances. The unforgetful seem to believe that the little routines and habits of daily life are too important to entrust to a nanny perched on the banks of the Potomac.

Consider, for example, the most important new vaccine recently licensed, to protect against the human papillomavirus (HPV). Developed by scientists at the National Cancer Institute, it's designated a "childhood" vaccine, which will give it some (by no means complete) shelter from the tort lawyers. Merck licensed the vaccine, steered it through the FDA, and will be responsible if anything goes wrong. The firm is charging $300 or more for the three-shot dose—ten to 100 times the inflation-adjusted cost of most vaccines in the 1950s. It may well be worth it. This new kids' vaccine protects against a sexually transmitted virus that causes many cases of cervical cancer. To be effective, however, vaccination must occur before exposure to the virus, and each new sexual partner exposes a girl to a 15 percent chance of infection. The Centers for Disease Control therefore plans to see to it that girls are vaccinated before. That, the federal authorities have concluded, would be before they are 12.

Quite a few parents have concluded that the federal authorities can go to hell. The amnesiacs are beyond help; they're probably skipping other vaccines, too. As for the mnemonists—maybe some just remember that sex spreads a lot of other germs, as well, and figure that they have a scheme to protect their little girls from all of them. Others probably aren't making any conscious calculation about germs; they're just holding fast to a faith and culture that still seeks to protect little girls from sex itself. People who believe government can achieve anything will say that it should just have handled this one more delicately. Perhaps—but the fact is, the government's germ killers have ended up at loggerheads with the people they most need as their closest allies: parents who teach the taboos and rules that provide a crucial line of defense against the most persistent and clever killers of children on the face of the planet.

Even when it doesn't reach the point of turning parents against vaccines, the government takeover has left many people with a triple sense of entitlement—to germ-free life, risk-free drugs, and wallet-free insurance. This in turn has created an almost profit-free economic environment for germ-hunting pharmaceutical companies, which still do much of the basic science and take charge of the essential, delicate, and difficult business of mass drug production.

The new drug law that President Kennedy signed on October 10, 1962, codified a profound change in attitude. With infectious diseases all but finished, the drugs of the future would target human chemistry. A horrified world had just discovered that one such drug, which effectively relieved morning sickness and helped people fall asleep, also halted the growth of a baby's limbs in the womb. Before, when microbes were the enemy, drugs got the benefit of the doubt. After the 1962 Thalidomide amendments, the unknown cure was officially more dangerous than the known disease. Very strong evidence would be necessary to establish otherwise.

The 1962 drug-law amendments gave decisive weight to human tests and clinical outcomes: a drug would not be deemed "effective" without clinical trials in which human patients started out sick and finished up healthy. Progressing in little steps from that seemingly sensible starting point, the FDA has since reached the point of worrying more about drugs evolving into sugar pills than about currently innocuous germs evolving into plagues.

The FDA has long required that clinical tests demonstrate that a new antibiotic is as good as or better than one already on the shelf, and it wants these trials to be extremely thorough and convincing. It worries that with too few patients tested, statistical anomalies might allow an inferior antibiotic to win its license, and the new

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one might then become the benchmark for a third even worse one, and so on until the industry slouches its way down to licensed sugar pills. The agency calls this scenario "biocreep." It's just the sort of logical but overly theoretical concern that sneaks into government offices where the paramount objective is to avoid mistakes. But nowadays, "no mistakes" means no new drugs licensed until the germs start killing lots of people again. Most serious infectious diseases are rare, and it's unethical to test a new drug on seriously ill patients when there's an old, licensed alternative in easy reach. This makes it all but impossible to assemble enough sick-but-not-too-sick patients for statistically meaningful clinical tests.

For example, the FDA recently had to decide whether to approve the use of Cubicin against a vicious germ that infects heart valves. Dubbed the "Darth Vader" bacterium, it is stealthy, difficult to kill, and almost always fatal if untreated. The FDA's staff wasn't convinced that enough patients had been tested to establish that the drug was better than the already existing alternatives—and argued that if it was too weak, the germ might evolve into something beyond Darth, resistant to everything. On the other hand, doctors were already using Cubicin off-label—prescribing it in ways never officially vetted or approved by the drug company or the regulator—but in low doses, thus possibly creating an even greater beyond-Darth risk. In the end, the chief of the FDA's anti-infectives division overruled a staff recommendation and granted the license. But every such decision is a fight, and all the legal, political, and institutional cards are now stacked against quick, bold action.

A letter coauthored by a doctor at Harvard's medical school and published in *Clinical Infectious Diseases* in 2002 bluntly linked the FDA's approach to "the end of antibiotics." "For nearly two decades," it began, "antibacterial research has been the 'Cinderella' area in the pharmaceutical industry." Increasingly stringent demands for proof efficacy, framed in ways that seem "innocent and technical," the authors argued, have thrown the industry "into a panic." They have "wreaked irreparable damage to our ability to provide a reliable pipeline of new antibiotics for treatment of serious infections." And they probably helped propel Lilly and Bristol-Myers Squibb out of antibacterial research and development.

"The germs still evolving, by chance or with human help in a terrorist's lab, should worry us most."

Most fundamentally, the FDA has no mandate—none at all—to prepare us for war against the next cholera. Its mandate is to make sure that we don't lose the battle against the next Thalidomide. "Safe" and "effective," the two key standards set out in the 1962 drug law, have intelligible meaning only with a germ to fight and infected patients to fight it in. The agency, in other words, actually *needs* thriving germs to supply enough really sick patients to provide FDA-caliber evidence to validate the drug that will wipe out the germs. Epidemics that lurk in the future, waiting for germs still under construction, can't be officially considered at all. But those germs—the ones that don't yet exist, the ones still evolving, by chance or with human help in a terrorist's lab—should worry us most.

Today's public health guardians have made things even harder for vaccines than for antibiotics. Gene-splicing and other bioengineering tools make it far easier today than ever before to build safe corpses, cousins, or fragments of horrible microbes. But many vaccines that could quite easily be developed haven't been, and probably won't be, because no drug company will take them to market.

Political support for the FDA depends on the public perception that it's solving problems. When widely administered, as it must be, a vaccine wipes out the disease that it targets. The

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disease can thus be eclipsed in the public's mind by the vaccine's side effects, however rare or even imaginary. The more effective the vaccine at the outset, the more likely it will be condemned as unsafe at the end. Moreover, the FDA has an acknowledged policy of being extra cautious in licensing any product that healthy people will use, especially children. Nothing could better suit the germs. Healthy children with undeveloped immune systems are their favorite targets.

Judges and juries have even more trouble balancing the interests of the individual who claims that a vaccine has injured him against those of the rest of the disease-free community. New legal standards formulated in the 1950s and '60s made it much easier to sue vaccine manufacturers, and relaxed rules of evidence soon made junk-science allegations much more common than legitimate ones. When liability claims spiraled to the point where they threatened to cut off the supply of some vaccines entirely, Congress set up an alternative compensation system for children (though not for adults) actually injured by their immunizations, and imposed a broad-based vaccine tax to fund it.

But it was too little, too late. Enveloped in bureaucracy, the germ-killing segment of the drug industry has lost much of its flexibility, resilience, and reserve capacity—and has become painfully slow in developing what new science makes possible. Short-term economics and federal law have converged to create a systematic bias in favor of the germicidal drug invented and licensed decades ago. The principal fiscal concern is who should pay how much for the new, patented drug, or whether the old, cheaper generic might not do as well. The principal regulatory concern centers on the risks of the new drug, not the perils of the new germ. Insurers are cost averse: wherever they can, they favor cheap drugs with expired patents. The FDA is risk averse: when in doubt, it sticks with the old and says no to the new.

Research labs do continue to come up with new vaccines, but that decade-long process is now routinely followed by a second decade (at least) before a commercial product makes it to market. No one doubts that the extra time helps ensure that the vaccine eventually injected into millions of arms is safer and more effective than it might otherwise be. But the whole effort is long and costly, and the likely profits waiting at the end, many manufacturers have concluded, are very modest by comparison. In 1957, five important vaccines were being supplied by 26 companies. By 2004, just four companies were supplying 12. Mergers accounted for some of the attrition, but most of it resulted from companies getting out of the business. More than half of the vaccines routinely given to young children in 2005 came from just one manufacturer; four others had only two suppliers.

"In 1957, five important vaccines were being supplied by 26 companies. By 2004, four companies were supplying 12."

Having surrendered on all other social aspects of infectious disease, the health authorities now focus principally on socializing costs. Capping profits is the politically inevitable corollary. The federal government now buys over half of all vaccines used in the United States, and by taking on that role, it has effectively taken control of prices.

After the anthrax mail attacks in late 2001, federal authorities made it clear that if push came to shove, they would rescind patents, too. Just two years earlier, at the government's specific request, Bayer had asked the FDA to approve and label Cipro for use against inhalational anthrax. The agency granted the license—

The advances of Louis Pasteur (left) led the way to vaccines that helped eliminate smallpox, polio, and other urban killers.

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the first ever for a drug for use in responding to a deliberate biological attack—in a matter of months, basing its approval not on human trials but on the antibiotic's effectiveness in inhibiting anthrax in rhesus monkeys. Then came the 2001 mail terror. Demand for Cipro soared—and prices collapsed. Yes, collapsed. It was politically unthinkable for Bayer to raise the retail price in pharmacies, and federal authorities immediately demanded huge discounts on the pills that they wanted to stockpile. The Canadian government initiated its price negotiations by announcing that it would ignore Bayer's Canadian patent and order a million tablets of a generic version of the drug from another company.

A couple of years later, Congress passed the 2004 BioShield law. It is intended to create a federal stockpile of bioterror vaccines, and to that end, it empowers the Pentagon to bypass certain aspects of the 1962 drug laws. Those provisions have already been invoked once, to cut off litigation against military use of the anthrax vaccine. The federal government also offered almost $1 billion of BioShield cash for the development of a new anthrax vaccine and the provision of 75 million doses. But established drug companies just weren't interested. The contract went to VaxGen, a tiny startup that had never brought a licensed drug to market and that proposed to supply a bioengineered vaccine that the army had already developed. VaxGen failed to deliver, and last December, the government canceled the contract.

A decades-old alternative with various problems continues to be provided by BioPort, whose declared mission is to develop products for use against infectious diseases "with significant unmet or underserved medical needs" and, most notably, "potential weapons of bioterrorism." That would mean anthrax, botulism, Ebola, and smallpox, among other killers. BioPort employs about 450 people.

So what would a watchmaker have done—not a blind one, but one with keen eyes and an excellent loupe—if called upon to design a microbe that could thrive among people fortified by fistfuls of vaccines and backed up by dozens of potent antibiotics? Nature got there, without the loupe.

Humans had spent a painstaking century developing vaccines. So nature designed an "immunodeficiency" virus—an all-purpose anti-vaccine, so tiny, quiet, slow, methodical, and gentle that it spread unnoticed for decades, and so innocuous that it never quite gets around to killing you at all. It leaves that to the old guard—the bacteria, protozoa, and viruses that invade when your immune system shuts down, and feast on your brain, lungs, blood, liver, heart, bone marrow, guts, skin, and the surface of your eyes. In its final stages, AIDS is truly horrible.

When the blind watchmaker has been pulling such stunts for 4 billion years, it's reckless to suppose that HIV was its last or worst. Quite the contrary: our casual willingness to tolerate a septic underclass, so long as it remains insular and out of sight, is certain to hasten the rise of much more and much worse. People as negligent with pills as they are with germs have already helped spawn drug-resistant forms of tuberculosis, by taking enough medicine to kill weaker strains, while leaving hardy mutants alive to take over the business. HIV patients who don't strictly follow the complex, unpleasant drug regimen used to suppress the virus become human petri dishes, in which microbes multiply and evolve to resist the stew of antibiotics prescribed as a last resort.

The new infectious diseases are already very good at this sort of adaptation—they have evolved to be as nimble as we are now institutionally stolid, as flexible as we are rigid. The influenza virus evolves exceptionally fast, using pigs as its genetic mixing bowl. HIV mutates constantly—one drug-resistant strain of the virus now apparently depends for its survival on a chemical constituent of the drug widely prescribed to stop its advance. Stubbornly persistent pelvic infections are on the rise, along with drug-resistant gonorrhea and even syphilis. A certain staph bacterium responsible for the most common infection acquired in hospitals has developed ways to pass the gene that produces a lethal toxin from one strain to the next and also to certain viruses that can spread it further still.

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It's because the threat is so grave that one must avoid the temptation to propose a simple-minded checklist of reforms to shoehorn somewhere into the middle of the next 1,000-page revision of the federal drug laws and FDA regulations. Germs are terrorists: they let the dead past bury its dead, they are always changing, and the ones you know aren't the ones that will kill you. If we somehow revive a tough, germ-fearing culture, the risk-averse drug regulators, penny-pinching insurers, overreaching judges, clueless juries, and preening, industry-bashing congressional committees will fall into line. If we don't, no tinkering will make much difference.

What we need is quite simple. We need many people to be much more frightened than they currently are. And we need a robust, flexible, innovative portfolio of drug companies to sink a lot of new capital into highly speculative ventures, almost all of which will lose money, with just one or two ending up embraced by regulators, eagerly paid for by insurers, vindicated every time by judges and juries, lauded by nonconformist preachers, and so spectacularly profitable for investors that they crowd in to fund more.

If we can't drum up concern by other means, some dreadful germ will materialize and do the job for us. Nobody knows which one; that's why we so desperately need the right popular culture and vigorous private enterprise. If the germs in the tattoo parlors today were both virulent and untreatable with current medicine, you wouldn't be reading this, at least not in the heart of any big city. You'd be heading for the country.

That's what the rich did when epidemics struck in Dickens's day. They knew what they were fleeing—the urban pathologies described in *Our Mutual Friend* in 1864 were as familiar to Londoners as the Thames. And familiar not just to the boatmen who made a living fishing human corpses out of the river but also to the middle class, decimated by a violent cholera outbreak in Soho at the end of August 1854; to the entrepreneurs who made fortunes collecting and sorting mountains of trash; to members of Parliament, who, in June 1858, had to evacuate the House of Commons to escape the pestilential stench of the river; and to Queen Victoria, who lost her husband to another water-borne disease, typhoid fever, in 1861. Small wonder that cholera was a great agency for social change. In the time of cholera, the bacterium itself loved everyone.

> **"Our casual willingness to tolerate a septic underclass is certain to hasten the rise of much more and much worse."**

Anthrax prefers goats; it finds its way into human bodies only very occasionally, through open wounds. The spores can be inhaled, too, but ordinarily they clump together and don't spread well through the air. They become mass killers only when people painstakingly coat them with other materials and take special efforts to disperse them. The spores that struck 11 Americans (and killed five) in Washington, D.C., and New York in late 2001 weren't dispersed through the Potomac or Hudson Rivers; they arrived by U.S. mail. A few pounds, suitably prepared and dispersed in the New York subway, could kill 100,000 people. If cholera is a social disease, weaponized anthrax defines the antisocial bottom of contagion—it's a microbe that infects humans only with the help of sociopaths.

But we live in an age of sociopaths, and there remains much that we don't know about germs. Viruses and prions may play a far larger role in genetic malfunctions than we yet fully understand. HIV and influenza demonstrate the boundless viral capacity to mutate and evolve. And while anthrax could never make it on its own in New York, murderous people are scheming to give it help. One way or another, germs will contrive to horrify us again, in some very nasty way. A society's only real defense is to stay horrified, well ahead of the curve.

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The Empire of Lies

The twenty-first century will not belong to China.

Guy Sorman

The Western press is full of stories these days on China's arrival as a superpower, some even heralding, or warning, that the future may belong to her. Western political and business delegations stream into Beijing, confident of China's economy, which continues to grow rapidly. Investment pours in. Crowning China's new status, Beijing will host the 2008 Summer Olympics.

But China's success is, at least in part, a mirage. True, 200 million of her subjects, fortunate to be working for an expanding global market, increasingly enjoy a middle-class standard of living. The remaining 1 billion, however, remain among the poorest and most exploited people in the world, lacking even minimal rights and public services. Popular discontent simmers, especially in the countryside, where it often flares into violent confrontation with Communist Party authorities. China's economic "miracle" is rotting from within.

The Party's primary concern is not improving the lives of the downtrodden; it seeks power more than it seeks social development. It expends extraordinary energy in suppressing Chinese freedoms—the media operate under suffocating censorship, and political opposition can result in expulsion or prison—even as it tries to seduce the West, which has conferred greater legitimacy on it than do the Chinese themselves.

The West's tendency to misread China dates back to the seventeenth century, when French and Italian Jesuit travelers formed stereotypes that clutter our minds even today. We learned then—or thought we learned—that the Chinese were not like us. They had no religion, and the notion of freedom was alien to them. They naturally gravitated toward enlightened despotism, as embodied by the philosopher-emperor. Such misconceptions link up across time: Voltaire sang the praises of the Mandarins, wishing a similar elite class could rule Europe; leftist intellectuals in the sixties and seventies celebrated the heroism of Mao Zedong; and today's business elites happily go along with the Communist propaganda that democracy and free speech are contrary to the Chinese ethos.

Yet with enough patience and will, one can plunge into the real China. Since 1967, I have visited the country regularly, and I spent all of 2005 and part of 2006 traveling through her teeming cities as well as her innermost recesses, where few Westerners go. I make no claim to know China fully, an impossibly ambitious task. I merely want to record the words and impressions of some exceptional Chinese men and women, who mostly suffer in silence, raising when they can the demand for a free nation—a "normal" nation.

Before the totalitarian reign of Mao Zedong and his immediate successors, never in human history had an entire nation been under such

Three paintings by contemporary Chinese artist Zhong Biao: *Dormancy* (2002), . . .

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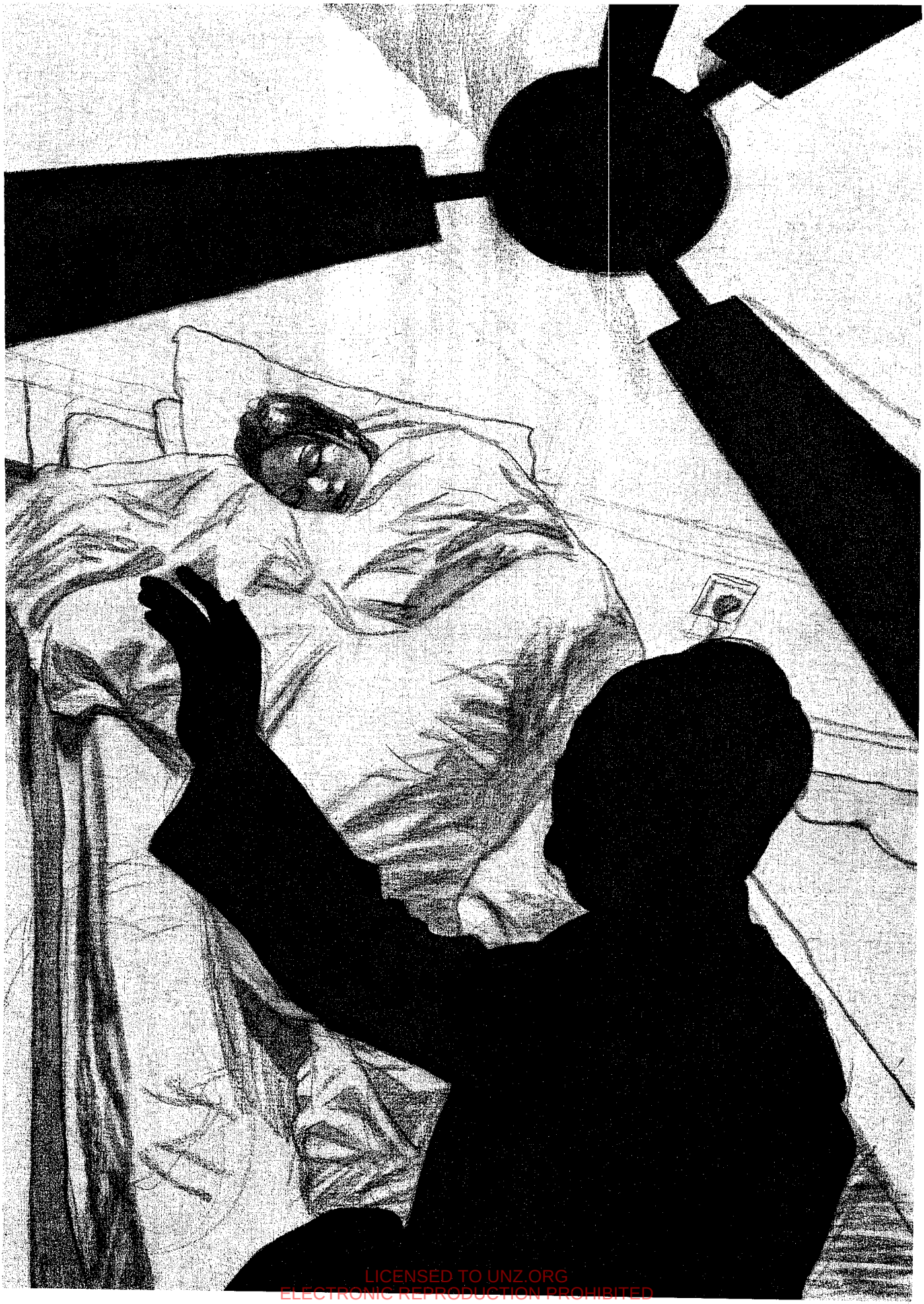

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intense surveillance. The Chinese not only had to speak alike; they had to *think* alike. The Communist Party regulated every aspect of private life. In the sixties, it even sought to anesthetize all feeling, commanding hundreds of millions of Chinese to repeat mindlessly the slogan of the day; one of Mao's sayings would have to preface any "personal conversation." A few second-rate books were the only permissible reading material, and eight revolutionary operas provided the sole entertainment. Placed everywhere—city squares, railway stations, factories, and offices—Party loudspeakers blared martial music from dawn to dusk, making it physically impossible for people to speak or think. The state imprisoned and killed untold numbers of its subjects.

Things have obviously changed, much for the better. China is no longer totalitarian. Yet the 60-million-member Communist Party, if subtler, remains cruel and omnipresent. When I met Madam Ding Zilin at the Golden Carp Café, I had to lean in close to listen. In Beijing, true privacy is only possible in such a public place. Ding Zilin felt that the security agents who shadow her every movement wouldn't be able to record her confidences above the noisy laughter and the clamor of the waitresses moving to and fro.

It had taken me several months and many intermediaries before I could finally meet with this self-effacing, frail 75-year-old, branded an enemy of China by the Party—a label it gives to anyone with the temerity to oppose the regime. Until June 3, 1989, she was just another conformist professor at the University of Beijing. But on that fateful night, the police came to her apartment and dumped the bullet-riddled body of her 17-year-old son, Jiang Jielian. The boy had gone, out of curiosity, to Tiananmen Square to watch pro-democracy student demonstrators seek a dialogue with the authorities. The world knows how Deng Xiaoping reacted: he ordered a massacre that cost 3,000 their lives, many of them barely adults. Ding Zilin was one of the few parents to recover the body of a child lost at Tiananmen. Most disappeared without a trace, their families never learning for sure whether they were dead or alive.

In the massacre's aftermath, Ding Zilin and her husband, also an academic, drew up a list of victims, to remember the dead and missing and to help parents come to terms with their loss. Both professors swiftly lost their jobs. Every time Ding Zilin tried to contact a victim's relations, security agents harassed her and the families, telling them never to speak of June 3. Some families found themselves stripped of everything simply for acknowledging publicly that their children had vanished at Tiananmen Square. For them, Ding Zilin tried to raise money from overseas Chinese. The Party accused her of smuggling and threw her behind bars.

Now she's on probation. If a foreigner tries to meet with her, government thugs will often stop her from leaving the house, at times for days on end. She nevertheless persists in her struggle, heading an association of families of Tiananmen victims that has managed to collect 600 names of those gone or known to be dead, publishing them in a Hong Kong brochure, with photos when available—an incomplete memorial that illumines the Chinese regime's brutality and deceit.

Eighteen years later, the massacre is still a taboo subject in China, as Mao Yushi also discovered. In 2004, the internationally esteemed economist sent a polite petition, signed by 100 fellow intellectuals, to the Chinese government, asking it to apologize for Tiananmen and thereby help bury the tragic past. He, too, lost his university position and wound up under house arrest. I met him at his home on a rainy day; plastic bowls collected the water leaking through his crumbling roof—his refusal to play along with the Party has had material consequences. "I had forgotten the present leadership is the same as in 1989 or its immediate successors: they can't confess," he tells me.

The Communist Party is no less mendacious when it comes to China's AIDS epidemic. The problem is gravest in the province of Henan, where vast numbers of poor peasants contracted AIDS during the nineties from selling their blood plasma (a trade generally controlled by Party members) and then having the blood, sans plasma but pooled with that of other donors,

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reinfused, absent HIV tests—a recipe for massive contamination. The AIDS sufferers of Henan are now dying in the hundreds of thousands, trapped in their impoverished villages with no one to care for them.

The government's initial reaction was to deny any problem, isolate AIDS-affected areas, and let the sick die (a pattern that initially repeated itself when SARS broke out in the country). Police barred entry to the contaminated villages, and new maps of Henan appeared without the villages, as if they had vanished into thin air. But after the international press became aware of the growing crisis, the Party banned the blood trade (though it enforced the prohibition fitfully) and in 2000 at last officially acknowledged the existence of AIDS on Chinese soil.

"China is no longer totalitarian. Yet the 60-million-member Communist Party remains cruel and omnipresent."

Despite all its pious declarations in the subsequent years, though, the government continues more to obfuscate than to help. When Bill Clinton visited Henan in 2005 to distribute AIDS medicine provided by his foundation, for example, the Party prevented him from visiting the worst-off villages. Instead, in the Henan capital city of Zengzhou, he posed with several Party-selected AIDS orphans as the cameras clicked away. It was an elaborate public-relations charade: "China, with the West's help, was tackling AIDS!" The world saw a smiling Clinton, but not the real tragedy of Henan.

Had Hu Jia been the guide, a far grimmer picture would have emerged. Only 30, he is already in poor health, carrying on his bony shoulders the weight of multiple forms of subversion. He is a democrat and a practicing Buddhist, a follower of the Dalai Lama who favors Tibetan independence. In 2004, he gave up his medical studies to look after Henan's sick. He has brought them clothes collected in Beijing, a little money, and some food.

Months after Clinton's photo op, Hu Jia and I traveled to one of the Henan villages that the former president had to miss: Nandawu, home to 3,500 residents. A police checkpoint guarded the entryway, but foreigners could get past it easily by hiding under a tarpaulin on a tractor-trailer. Once inside, there was no danger: the police feared AIDS too much to go in. I shall never forget what I then saw. The disease had struck at least 80 percent of Nandawu's families; in every house, in every hovel we entered, an invalid lay dying. Most of the sufferers had no medicine. One woman was putting a drip on her sick husband, bedridden for two years and covered with sores. She was clumsy and hurt him. What did the bottle contain? She didn't know. The label said glucose. Why was she doing this? "I saw in the hospital and on television that sick people had to be put on the drip."

Soon, only orphans would be left in Nandawu. No school will take them in—teachers refuse to accept these children. A charity run by a young Beijing democrat, Li Dan, tried to open a school for AIDS orphans, but the authorities shut it down. The orphans are a painful reminder of a story that the Party wants to erase from public memory, Li Dan said.

For as long as my guide Hu Jia worked alone to help the sick, the Party let him be. But then he began to distribute pamphlets, put up posters, and question the Henan government. Worse still, he urged the victims to form an organization. The Party will sometimes put up with isolated dissent, but the moment an "unauthorized" association forms, the boot comes down. Several months ago, the government placed Hu Jia under house arrest in Beijing. It is only thanks to his wife that he can communicate with the outside world. When he tries to post a message on the Internet, the Propaganda Department's screening software immediately deletes it.

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So far, the young Beijing writer Yu Jie, a leading liberal voice in China, has avoided Hu Jia's fate, experiencing nothing worse than interrogation in a police station. This despite writing in a Hong Kong magazine of the truth about Mao Zedong, whose murderous reign is another taboo subject in China: "It is inconceivable that the Olympic Games, one of the high points of civilization, be held in Beijing as long as the body of the assassin lies in the heart of the city." (Mao's mausoleum still occupies Beijing's central square.) Yu Jie's words spread like wildfire on the Internet, where his romantic but typically apolitical writings have attracted a large readership.

With his writer's pince-nez and baby face, Yu Jie may not seem much of a threat to the authorities; he is a lone intellectual with no organization. But the Party's lenience probably has more to do with his relations with American Christian churches. Yu Jie and his beautiful wife are among China's newly converted evangelicals, some 40 million of whom now congregate in "house churches"—private prayer and Bible study groups, discreetly supported by American churches and unfettered by any government control. The Chinese authorities don't want any U.S. Christian protest movements to tarnish the 2008 Olympics, so for now, it serves their interests to keep their hands off Yu Jie. He acknowledges the point: "Until the games, I am safe. After the games, who knows?"

In general, however, and especially outside Beijing, the Party ruthlessly polices non-sanctioned religious movements, haunted by the memory of past Chinese dynasties overthrown by mystical upsurges. The authorities have decimated Falun Gong, a Buddhist sect whose master lives in exile in the U.S. The group's members languish in prison or in reeducation centers.

Today's dissidents and their compatriots don't seem very threatening. None promotes the overthrow of the government. They aren't comparable to Chinese dissidents in exile, such as Wuer Kaixi, leader of the 1989 Tiananmen revolt, or Wei Jinsheng, hero of the 1979 Democracy Wall, political men with no following left in China. So why does the Party expend so much time and energy trying to keep them in check? Because it recognizes that their activity, however limited in scope and seemingly harmless, is a sign of the desire for freedom and truth among the people—a desire that ultimately threatens the leadership's future.

By looking at conventional forms of political protest alone, one might miss a deeper current of dissidence. Mass culture highlights the growing tension between Communist Party ideology and popular sentiment. The reach of popular Western, Japanese, and South Korean culture extends throughout Chinese society and may well rock it to the core. China is now home to 123 million Internet users, well over 30 million of them bloggers, for instance. Internet-savvy students play a cat-and-mouse game with the censors to access foreign information sites, though it's personal success, not political causes, that tends to drive this young jet set.

And like everybody else, the Chinese love to watch TV, despite pervasive censorship and the propaganda broadcast on it in China. One of their favorite shows is a local version of the U.S. hit *American Idol* called *Super Girl*, broadcast by a Hunan satellite channel and produced by a private firm. In 2005, the winner of this amateur singing contest was Miss Li, a lanky 20-year-old with a punk hairdo, sporting jeans and a black T-shirt—a fashion inspired by South Korean pop bands. Miss Li won democratically with nearly 4 million votes, text-messaged by viewers using their cell phones from home. Over 400 million Chinese viewers—more than the combined populations of the United States and England—watched the finale.

An unexceptional story—except that it happened in China, and the Communist Party, taken by surprise, condemned Miss Li for not singing in Chinese but in English and Spanish and for wearing clothes that didn't conform to the anodyne official dress code laid down by the national television station. A columnist in *China Daily*, the Party's mouthpiece, interpreted her victory as a popular uprising against the established

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order, concluding that "Miss Li has been elected but the people have made a bad choice. This is what happens when people are unprepared for democracy."

Another sign of the desire for freedom, particularly worrisome to the authorities, is the explosion of peasant revolts in the Chinese countryside. The countryside is an immense universe, immutable and mysterious even for Chinese city dwellers, who go there only to honor the tombs of ancestors. Traveling to a village is like taking a journey in time; old China emerges, and modernity seemingly slips away. It also is to encounter China's communication problem: peasants, unfamiliar with the national language, speak only in regional dialects—though television, the great linguistic and cultural leveler, is making the country more homogeneous by the day.

I've been to many Chinese villages, and everywhere I have encountered the peasantry's feelings of helplessness and anger when dealing with the Communist authorities. When in late 2006, I reached one village in the heart of the Shaanxi Province, after a 40-hour journey from Beijing by train, car, and tractor, I saw no trace

In China's Shadow

Hong Kong, the colony that the United Kingdom handed back to China ten years ago, remains starkly different from the People's Republic. True, the border between the two lands is no longer the iron curtain through which a million refugees, fleeing Mao's Cultural Revolution, burst in the 1970s. Indeed, hundreds of thousands of Hong Kong's 7 million residents now cross the border daily just to shop. But Hong Kong is nevertheless an island of liberty in the shadow of an authoritarian colossus, living with a political arrangement that provides no long-term guarantee of democracy or freedom.

The contrasts between China and its new "special administrative region" are profound. Hong Kong's citizens enjoy real property rights. Their press is free and delightfully rich, ranging from the *New York Post*-ish *Apple Daily* to the historic English-language *South China Morning Post*, one of the best sources of information about Chinese politics. In the Hong Kong subway, you can buy international newspapers that Beijing doesn't even allow to circulate, such as the *Wall Street Journal Asia* and the *International Herald Tribune*.

Nor is religion of the state-sponsored China variety. The ranking Catholic prelate in Hong Kong, Bishop Joseph Zen, regularly denounces human rights abuses on the mainland, and Falun Gong, the quasi-religious dissident group that China ferociously suppresses, demonstrates openly. Hong Kong's government, too, is capable and uncorrupt. Despite great damage to its economy, it warned the world in 2003 about the outbreak of the deadly new respiratory illness SARS. China, where the disease originated, did the world no such favor.

However, Hong Kong has never been truly democratic. The United Kingdom didn't allow direct election of its colony's chief executive; instead, the British prime minister simply appointed him. The U.K. also kept Hong Kong's Legislative Council both weak and unrepresentative of the colony's population. To this day, LegCo, as it's called, can't even initiate legislation, and such interest groups as doctors, lawyers, and teachers elect half of its 60 members.

Before leaving, Britain did get China to agree to the Basic Law, a mini-constitution in force until 2047. The Basic Law left in place Hong Kong's very limited democracy but did little more than allude to the possibility of eventual change for the better—and even that change, it specified, could take place only with Beijing's permission. For example, the Basic Law theoretically permits popular election of the chief executive, but China has allowed no step in that direction. Today, just 800 electors choose the chief executive, and they themselves are chosen by Beijing.

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of the uprising that had taken place a month earlier. Alerted by a text message sent from the village, the Hong Kong press had reported a violent clash between the peasants and the police, leaving people injured and missing—or even dead, with the authorities spiriting away the bodies. I stayed in the house of a taciturn widow, who kept feeding me fresh walnut kernels—ideal, she said, for those doing intellectual work. The kernel looks like the brain; traditional Chinese medicine bases itself on such morphological approximations.

I pieced together the very ordinary reasons that had provoked the uprising from bits of information divulged by the children rather than the adults. The village had a dilapidated school, without heating, chalk, or teacher. In principle, schooling is compulsory and free, but the Party secretary, the village kingpin, made parents pay for the heating and chalk. Then a teacher came from the city. He held that his government wages weren't commensurate with his status and demanded extra money from the parents. Half of the parents, members of the most prosperous clan, agreed to pay; the other half, belonging to the poorer clan, refused. A skirmish erupted between the two clans, and the teacher fled. The Party secretary tried to intervene and

Although this "one country, two systems" agreement is supposed to protect Hong Kong, simple administrative dealings with China have already eroded liberties. Consider border crossing: Hong Kong sharply restricts immigration, fearful of an inundation of mainlanders eager not only for freedom but for the benefits of a welfare state that's far more developed, thanks to British influence, than ostensibly communist China's. But it does so by allowing China to distribute the emigration permits. Dissidents, it goes without saying, need not apply. Similarly, Hong Kong residents need Chinese permission to cross the border. Though crossings like Lo Wu—said to be the world's busiest, with more than 300,000 people crossing daily—may appear unrestricted, in fact Falun Gong members, investigative journalists, human rights activists, and probably even certain pro-democracy Hong Kong legislators aren't allowed through.

Hong Kong's citizens crave more democracy and also worry that their existing freedoms are at risk. Recent years have seen regular demonstrations on July 1—the date of the 1997 British handover—calling for direct election of the chief executive. In some years, crowds estimated at half a million have gathered, despite intense heat and subtropical humidity. Last year, the crowd was smaller—about 40,000—but its mood was militant. Led by the revered Anson Chan, the last head of the colonial civil service, it sang, in Chinese, lyrics from *Les Misérables*: "Do you hear the people sing, singing the song of angry men . . . who will not be slaves again?"

This year, Hong Kong democrats have gone further. One section of the Basic Law allows any candidate to run for chief executive who gains pledges of support from 100 of the 800 electors. An opposition candidate, legislator Alan Leong, managed to secure enough pledges to run against the current chief executive, China-supported Donald Tsang. The result has been a contested election—although one, as before, in which only 800 people could vote, and one that Tsang is certain to win.

Might such developments point toward gradual liberalization? Might Hong Kong, like Taiwan, even serve as a light unto Beijing? Some in Hong Kong fear the opposite possibility. At a recent dinner, a group of Americans, myself included, raised ideas about how to fast-forward democratization in Hong Kong. The locals, many of whom served in the government, shook their heads at our naivety and reminded us that the Basic Law was set to expire in 2047. "You don't understand," they said. "We only have 40 more years."

—*Howard Husock*

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was lynched, the Party office plundered. Then the police roared in with batons and guns. The school has reopened, the teacher replaced with a villager who knows how to read and write but "nothing more than that," he admits.

The government puts the number of what it calls these "illegal" or "mass" incidents—and they're occurring in the industrial suburbs, too—at 60,000 a year, doubtless underreporting them. Some experts think that the true figure is upward of 150,000 a year, and increasing.

The uprisings are really mutinies, sporadic and unpremeditated. They express peasant families' despair over the bleak future that awaits them and their children. Emigration from the countryside might be a way out, but it's not easy to find a permanent job in the city. All kinds of permits are necessary, and the only way to get them is to bribe bureaucrats. The lot of the peasant migrant—and China now has 200 million of them—is to move from work site to work site, earning a pittance when payment is forthcoming at all. The migrants usually don't receive permission to bring their families with them, and even if they could, obtaining accommodation and schooling for their children would be virtually impossible. The fate of Chinese citizens often depends on where they come from. Someone born in Shanghai is an aristocrat, with the right to housing and schooling in Shanghai. Someone born in a village, however, can only go to the village school, at least until a university admits him—a rare feat for a peasant. An American scholar, Feiling Wang, had come to China to study this system of discrimination, which few in the West know about, but the government expelled him.

The widow who was my hostess finally decided to open up a little. Her husband had left years ago to look for work in the east, never to return. She'd like to know what happened to him, but whom could she ask? The villagers had no one to turn to—certainly not the Party secretary. "He doesn't speak to us," she says. "He comes from the city. He doesn't understand our dialect and looks down on us."

The lack of medical facilities is another common cause of peasant complaint. The district hospital is five hours away by bus, and admission requires a payment of 600 yuans, a small fortune for a farmer—and that's before the doctor's fees and medicine costs. "When we are sick, we don't bother about treatment," my hostess says. "Yet we would like to relieve the suffering of our elders."

Villagers often told me that it wasn't the local Party secretary whom they most hated but rather the family-planning agents. To ensure the proper implementation of China's single-child policy (in some provinces, the limit is two children, if the first is a girl), the agents keep close watch on childbearing women, often subjecting them to horrific violence. In 2005, a family-planning squad targeted the city of Linyi and its surrounding rural area, in the Shandong Province, because the population had far exceeded the Party's child quota. The agents kidnapped 17,000 women, forcing abortions on those who were pregnant—in some cases, immersing seven- to eight-month-old fetuses in boiling water—and sterilizing those who weren't. The agents tortured the Linyi men until they revealed the hiding places of their daughters and wives.

This nightmarish episode, admitted to by the Beijing government, would have gone unnoticed if not for yet another text message sent to a Hong Kong journalist, which ultimately led to the American press's picking up the story. The man responsible for the Linyi revelations—an act of true courage and heroism—is a young peasant, blind since childhood: Chen Guangcheng, a self-taught "barefoot lawyer." I met him at his farm near Linyi, where the Party had recently confined him. Chen told me that the law on family planning technically prohibits coercion (though, of course, it is widespread); what happened to the Linyi women was thus illegal. In complaining about the abuses, Chen used only legal means. Nevertheless, early this year, he received a 51-month prison

. . . and *Wandering Beyond Boundaries* (2006).

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sentence for inciting a mob to disrupt traffic in Linyi. The trial, like the charges themselves, mocked the rule of law.

China's draconian single-child policy may have slashed China's population growth (though not by as much as the official statistics say), but the preference for boys has led to widespread female feticide and gender imbalance on an unprecedented scale—120 boys are born for every 100 girls. The disparity will be an inevitable source of teenage violence, as the boys compete for a limited number of available girls. Forcible birth control will also give rise to an increasingly elderly population. What will old parents do with no children to look after them? A poor country like China is totally unprepared to deal with the looming crisis.

Will China's surging economic growth, described by some in the West as a "miracle," put an end to the discontent rumbling throughout the country? "Economic development in China is not a miracle but an unmitigated disaster," says the house-confined economist Mao Yushi, a supporter of free markets. Isn't he happy with the country's spectacular 10 percent annual growth rate? Maybe—if he were certain that the figure was accurate. But with the Communist Party providing the statistics, truthfulness is anything but assured.

Doing his own calculations, adjusting for what he believes are fudged numbers, Mao Yushi arrives at a growth rate of about 8 percent per year. That's a healthy rate, due principally to the shift of the idle or unproductive peasant population to industry, but as I point out to him, it's no more than Japan and South Korea achieved during their take-off phases. "Correct," Mao replies. "So it can hardly be called a miracle." Moreover, the 8 percent doesn't take into account the vast environmental destruction caused by China's rapid development.

Mao Yushi acknowledges that no development could take place without a large-scale shift to urban life and damage to the natural environment. But he questions the government's unchecked savagery. The current growth rate isn't sustainable, he believes: natural bottlenecks—scarcity of energy, raw materials, water—will get in the way. China can import energy and raw materials, true, but water, which isn't readily importable, could soon become a massive problem. The Chinese government doesn't view purification plants as useful investments; already, hundreds of millions of Chinese lack access to drinking water, with many dying as a result.

Many goods that China produces are worthless, Mao Yushi reminds me—especially those made by public companies. About 100,000 such Chinese enterprises continue to run in the old Maoist style, churning out substandard products because they've got to hit the targets that the Party sets and provide employment to those the Party cannot dismiss, not because they're responding to any market demand. Most public-sector firms don't even have real accounting procedures, so there's no way of ascertaining profitability. "China is not a market economy," Mao says bluntly.

The Party gives the banks lists of people to whom loans should go, and the rationale is frequently political or personal, not economic. Indeed, in many cases, banks are not to ask for repayment. That investment decisions obey political considerations and not the law of the market is the Chinese economy's central flaw, responsible at least in part, Mao Yushi believes, for the large number of empty office buildings and infrequently used new airports and an unemployment rate likely closer to 20 percent than to the officially acknowledged 3.5 percent.

Unemployment doesn't just affect the impoverished migrants, excluded from the government statistics (which is one reason why the official unemployment rate is so low). Two-thirds of China's degree-holding engineers can't find work commensurate with their qualifications even three years after they finish university. Their unemployment reflects the primitive nature of China's development, based on the massive deployment of unskilled labor, not on encouraging the enrichment of human capital, as in Japan, South Korea, and the other Asian "tigers" during their rise to prosperity. Is it any wonder, then,

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that so many of China's engineers leave for the United States and Canada?

Still, hasn't growth created an independent middle class that will push for, and eventually obtain, greater political freedom? Many in the West think so, looking to the South Korean example, but Mao Yushi isn't convinced. What exists in China, he argues, is a class of "parvenus," newcomers whose purchasing power depends on their proximity to the Party rather than their education or entrepreneurial achievements. Except for a handful of genuine businessmen, the parvenus work in the military, public administration, or state enterprises, or for firms ostensibly private but, in fact, owned by the Party. The Party picks up the tab for almost all their imported luxury cars, two-thirds of their mobile phones, and three-quarters of their restaurant bills, as well as their call girls, their "study" trips abroad, and their lavish spending at Las Vegas casinos. And it can withdraw these advantages at any time.

In March, the Chinese government announced, to much fanfare in the Western press, that it would begin to introduce individual property rights. We should understand that this "reform" will benefit only the parvenus, not the peasants, whose tilled land will still belong to the state. But the parvenus will now be able to transmit to their children what they have acquired thanks to their Party connections—one more reason that they will be unlikely to push for the democratization of the regime that secures their status.

Madam Mao Yushi interrupts us to serve the ritual tea, an ordeal because I've never quite learned how to sip the boiling beverage without swallowing the green leaves floating on the surface. Through the window, I glimpse the plain-clothes policemen pacing outside the run-down apartment building where the nearly 80-year-old Mao and his wife live. The agents let me in without asking questions. I must have had my photograph taken. I run no real risk, though, since I'm French—China and France currently enjoy warm relations. It's the Chinese who must fear the government, not the foreign visitor. Whenever I meet free spirits like Mao Yushi, I wonder if I'm making life difficult for them. He tells me not to worry: a little international recognition can spare the dissenter more violent reprisals.

Beijing is not impervious to criticism abroad. China desperately needs international legitimacy. Were Western consumers and investors to turn away, the Chinese economy would collapse, leading in all probability to the fall of the Party. Thus, the Propaganda Department, helped by a plethora of public-relations consultants and politically articulate emissaries, does all it can to woo foreign critics. The ham-handed methods of Maoist China are a thing of the past.

"Do you dare deny China's success story, her social stability, economic growth, cultural renaissance, and international restraint?" Yan Yfan (a pseudonym) asks me, back in Paris. A scholar on the payroll of a Beijing foundation, an extension of the Party, he has the assignment to handle my case. I respond that political and religious oppression, censorship, entrenched rural poverty, family-planning excesses, and rampant corruption are just as real as economic growth in today's China. "What you are saying is true, but affects only a minority yet to benefit from reforms," he asserts.

Yet nothing guarantees that this so-called minority—1 billion people!—will integrate with modern China. It is just as possible that the "minority" will remain poor, since it has no say in determining its fate, even as Party members get richer. Yan Yfan underscores my fundamental error: "You don't have any confidence in the Party's ability to resolve the pertinent issues you have raised." He's right; I don't.

One must tread cautiously when trying to predict China's future. Over the last century, China has never ceased to surprise with her dramatic U-turns. China scholar Andrew Nathan suggests various scenarios: a revolution (but not necessarily a democratic one); economic bankruptcy (with a military dictatorship taking over); gradual liberalization (unlikely); or the maintenance of the status quo. I think the status quo will prevail, at least for now, for the Chinese people fear new political violence.

Of course, a fifth scenario is possible, the one that can't be predicted. But those in the West who think that the future belongs to China should think again.

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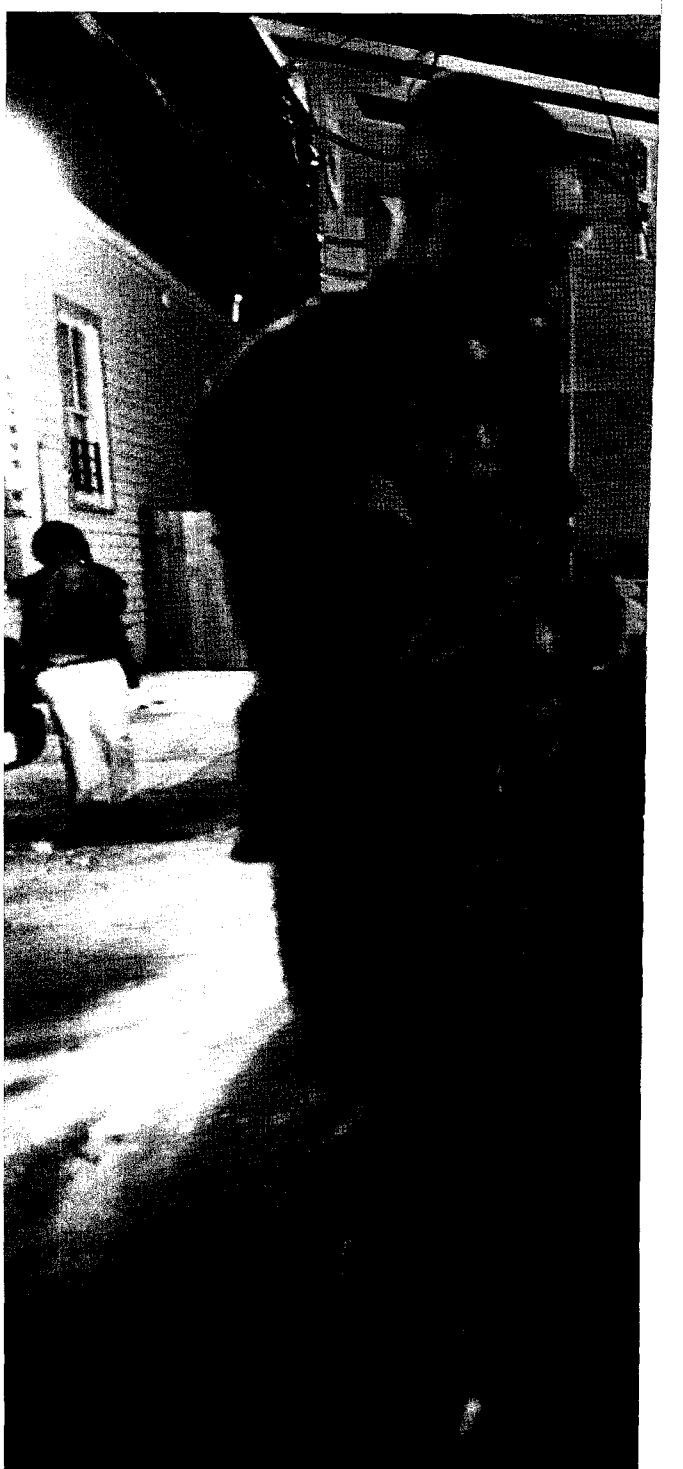
Baghdad on the Bayou

To recover from Katrina, New Orleans must defeat the criminals who terrorize its streets.

Nicole Gelinas

You don't have to go to Baghdad to see what happens when government loses its monopoly on force; just visit New Orleans. More than a year and a half after Katrina hit in late August 2005, violent crime—already a grave problem long before the storm—pervades the city, endangering its recovery by driving some good people away and keeping others from returning. In recent months, the federal and state governments, confronting a murder rate that currently exceeds that of any first-world city, have brought law-and-order forces to the Big Easy to try to wrest its streets back from criminals. But any long-term solution to the city's crime woes must be local. Unless New Orleans itself can find the moral and political will to control the violence, it will only be trying to rebuild the dying city that it was before Katrina.

When New Orleans began slowly to come back to life after Katrina, it enjoyed a respite from violent crime, one that residents and their elected leaders thought would continue indefinitely. New Orleanians had a "sense of euphoria about the city being a new city, that the violent crimes just weren't there," says U.S. Attorney Jim Letten, who handles federal cases for Louisiana's eastern district. But after



VARLEY CHARLIE/SIPA PRESS

Task Force Gator, a National Guard unit deputized as Louisiana state troopers, has helped make nearly 2,000 arrests in New Orleans since June 2006.

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roughly ten weeks of peace, murders—many drug-related and acquaintance-based—started to appear in the headlines again. Then, as the city's population began returning in greater numbers last spring, violent crime roared back "with a vengeance," as Letten puts it. The highly publicized shooting death in March 2006 of 28-year-old Michael Frey at the hands of a street robber in the Faubourg Marigny, a funky neighborhood on the outskirts of the French Quarter, seemed to trigger in many New Orleans residents the realization that things were now back to "normal."

The numbers tell the grim story. In 2004, the year before Katrina, New Orleans suffered 265 murders, yielding a murder rate of 56 per 100,000 residents—already four and a half times higher than the average for similar-size cities. In 2006, the year after Katrina, the flood-ravaged, much smaller city logged 162 murders—a rate of at least 77 per 100,000 people, even assuming the most generous quarter-by-quarter repopulation figures available. (New Orleans has recovered less than half its pre-Katrina population of about 470,000.) In the first 64 days of 2007, New Orleans's murder rate scaled even higher—more than 87 per 100,000 residents. Such a rate in New York City would mean nearly 7,000 murders a year, well over the 2,262 it experienced at the height of its Dinkins-era violent-crime crisis 17 years ago. Other violent-crime indexes—from assault to armed robbery—have moved in a similar direction.

The rocketing crime rate suggests that New Orleans's bad guys are coming back to the city in disproportionate numbers. That shouldn't come as a surprise. The hoodlums, mostly members of an entrenched underclass, are impulsive and mobile, while working- and middle-class New Orleanians face big roadblocks to returning, such as shuttered schools. Some of the lawbreakers may have hustled back, too, because they were having a hard time adjusting to functional cities like Houston, which initially took in more than 200,000 storm evacuees. Unlike New Orleans, which has long failed at crime fighting, Houston actually arrests, charges, convicts, and imprisons its criminals (see "Houston's Noble Experiment," Spring 2006).

Relentless crime was the main reason New Orleans had lost 22 percent of its pre-1960 peak population (mostly middle-class young people, black and white) long before Katrina. But the hurricane took a slow process of decline—more middle-class hemorrhaging, more disorder, fewer livable neighborhoods—and instantly fast-forwarded it to urban nightmare.

First, New Orleans's "legacy drug dealers"—as James Bernazzani, special agent in charge of the city's FBI office, classifies those who were dealing before Katrina, almost invariably single-parented young black males—learned a lot during their months away. In Houston, still a major drug hub despite its better policing and justice system, Big Easy dealers met new suppliers and have now "flooded New Orleans with drugs," says Bernazzani. Thanks to the increased quantity on the street, the price of a kilo of cocaine has declined nearly 20 percent since Katrina. Dealers who can't profit from such low prices eliminate competition through violence.

Many dealers and other criminals haven't returned to their old blighted neighborhoods, since four-fifths of New Orleans's public housing remains closed and some of the city's poorest tracts are still flood-ruined. Instead, they've spread out to neighborhoods that were already struggling before the storm—Central City, a sprawling, low-rise area to the east of elegant St. Charles Avenue, for instance, as well as ample pockets of Uptown, where residents of dilapidated housing have long lived in proximity to university students and professionals—and made those places much more dangerous. A study earlier this year found that 31 percent of Central City residents feel safe today, compared with 45 percent before Katrina; 85 percent said that "people being murdered" was a concern.

Some returning criminals take advantage of abandoned housing on half-occupied streets; others crowd with relatives in legal housing. "You have families living doubled up, people who have serious problems," says Al Mims, Jr., a Central City native who came back to New Orleans a week after Katrina. "Before Katrina," he explains, "you had [drug] rivals who stayed miles apart. Now, it's like having Wal-Mart and Kmart across the street from each other." Mims, who lost his

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father in a Central City murder nearly two decades ago and was shot himself at 19, notes that most of his neighbors are hardworking. "Maybe 10 to 15 percent" of the area's young people are criminals, he believes, but it's enough. "To have this come back after the most terrible natural disaster . . . " says Mims, his voice trailing off.

It's not just the violence; New Orleanians also face a dispiriting crush of property theft as they struggle to rebuild. In recovering neighborhoods, criminals wait for a returning resident to install new appliances into his damaged home, and then steal them when he returns to his temporary housing at night. David Kent, a former deputy chief of police who retired from the New Orleans Police Department in 1982 and who lives in the Mid-City neighborhood, says that "salvage artists" regularly cut and remove brass and copper pipes. "People are trying to build their homes and their lives, and they find that their pipes are stolen," laments Latoya Cantrell, who is rebuilding her home alongside her neighbors in the flooded Broadmoor area. Quality-of-life infractions are endemic, too. When I walked through the Marigny, a neighborhood that Katrina left unflooded, a couple asked if I had any pills to share; residents all over the city complain of blatant drug use and open-air drug sales. Of quality-of-life crimes, says Cantrell, "there's no comparison" with before Katrina.

Wealthier areas of the city, never impervious to crime, haven't been immune to its post-Katrina escalation. All along the river, in well-off neighborhoods that didn't flood, "we're seeing a spike in crime," says Bernazzani.

Intensifying the city's crime woes further, family relationships that were tenuous pre-Katrina—in underclass neighborhoods, mothers and grandmothers raised children alone, with few exceptions—are now completely broken. David Bell, chief justice of New Orleans's juvenile court, tells me that 20 percent of the kids who appear before him today—for the most part, 15 or younger—are utterly without parental supervision; he calls this a "tragic story no one is telling." Some of these children have left mothers or grandmothers behind in Houston and other locales and returned to stay with relatives, who often don't watch out for them. Others, separated from their families in Katrina's chaotic aftermath, never reconnected with them. "They've returned home, looking for their only parent," Bell observes. Many of the kids whom Bell sees have been arrested for nonviolent crimes such as drug possession or sale, but as New York's policing experience has shown, such crimes tend to lead to more serious offenses.

"In New York City, New Orleans's murder rate would mean nearly 7,000 homicides a year, triple its Dinkins-era high."

You can drive through the vast, now-empty C. J. Peete housing project in Central City, and if you look just at the sealed windows and doors, you would think that no one's been there since the hurricane. But unsupervised teens stroll in the courtyards. In one, an SUV idles while its occupants likely complete a drug deal, according to the narcotics officer with whom I'm riding. Just blocks away, as the project opens onto a main thoroughfare, black-and-white signs reading ENOUGH! ENOUGH! ENOUGH! festoon telephone poles, decrying the frequent violence in the area. Before Katrina, the signs had read merely—merely!—THOU SHALT NOT KILL, illustrating how a crime-ravaged community's sense of impotent desperation has worsened.

New Orleans has yet another Katrina-related crime problem: it has become a kind of frontier town. Contractors and laborers have come from all over America to work on the city's damaged property (and from south of the border: one joke in town is that FEMA means "Find Every Mexican Available"). Often without their families, some buy entertainment on the streets, including drugs and sex.

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Volunteers have flocked to New Orleans to help rebuild the devastated city.

The psychological consequences for law-abiding New Orleanians of all this chaos and criminality have been profound. In the Marigny, resident Nora Natale expresses a common sentiment: New Orleans may have the same number of criminals that it did two years ago, but since there are fewer potential victims to target, things are much worse. Since Frey's murder in her neighborhood, Natale says, "I've changed my lifestyle. I don't take morning walks." Last summer, she called 911 to report a shooting in front of her house during an attempted robbery; the victim, a neighbor, survived—and moved. Another acquaintance was run over by an attempted-robbery getaway car (she survived, too). Natale is candid about the corrosive toll: "I take a lot of little vacations" away from the city, she says. "It's been a rough year."

Katrina's protracted aftermath would challenge the nation's best police and prosecutorial forces. But the fact that New Orleans hasn't had a functional criminal-justice system for years has made its post-hurricane crime predicament graver still.

No one would deny the city's acute criminal-justice challenges since the storm. Floodwaters heavily damaged court and police buildings; hundreds of police officers and prosecutors lost their homes; the police department lost its crime lab. But earlier this year, the DA's office released news showing that the city's criminal-justice system wasn't just strained, but shattered: in 2006 and early 2007, 3,581 suspects, some charged with murders and armed robberies, walked free from jail or from bond, in many cases because the prosecutor didn't have the physical evidence to indict them within the 60 days mandated by the state constitution. Blame the continued absence of a crime lab. But what kind of a city doesn't immediately replace its wrecked lab so that it can keep hard-core criminals off the streets?

Mayor Ray Nagin's failure to replace the lab, even after 18 months had elapsed, didn't come from nowhere. New Orleans was pathetically lax about its criminal-justice system before the storm, as its weak murder-conviction and sentencing rates show. Four months before Katrina, district attorney Eddie Jordan—who is elected, not appointed by the mayor—found that "a murderer in New Orleans has a less than one

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in four chance of being convicted of that crime." While Jordan wins no prizes for his performance, the problems long predate his taking office in 2003. An independent 2002 study by the nonprofit Metropolitan Crime Commission found that New Orleans's felony conviction rate (as a percentage of arrests) was the second-lowest of the 11 cities studied; just 12 percent of those arrested in a given year were eventually convicted and imprisoned. For the other 88 percent, the report concluded, "the criminal-justice system was little more than a revolving door back to the street." Police and prosecutors blame each other for these disastrous results: prosecutors say that the police prepare poor reports, often based on unreliable witness testimony, while the cops retort that prosecutors throw out perfectly good cases.

"The city's officials must recognize that tolerating nonviolent offenses leads directly to violent crimes."

It's obvious what New Orleans should do, and should have done long before Katrina. The city needs to train its police and prosecutors better, pay them more, and manage them more professionally, in order to boost low morale and end high turnover. Before Katrina, New Orleans's crime-fighting staffing levels, while modest compared with New York's (even relative to population), were comparable with those of other southern cities with lower murder rates, such as Atlanta and Houston. Since the storm, the police force has shrunk more than 10 percent, despite new recruits; the rate of attrition is double what it was before Katrina.

The city also must allocate its policing resources more effectively. The NOPD should have a massive street-crimes unit to do undercover drug buys and bust serial robbers, for example. Further, the city can't just temporarily ramp up its policing resources whenever it detects a "violent crime wave," as it has done for decades; rather, it must treat crime as a chronic condition, as New York does. And New Orleans needs to prosecute those individuals it does arrest and pressure judges to imprison the ones convicted.

Most important, the city's mayor, DA, and judges must recognize that tolerating nonviolent offenses leads directly to violent crimes. Because they don't feel any incentive from the authorities to stop their disorderly behavior, too many juveniles graduate from loitering to drug use to drug sales to carrying weapons to armed robbery . . . to murder.

In the mid-1990s, New Orleans got a tiny taste of what good policing can do. Then-mayor Marc Morial, confronting murder numbers that rival today's shocking rates—424 in 1994, or about 80 per 100,000 residents—hired outsider Richard Pennington as police superintendent. Pennington cut corruption and implemented statistics-based policing and other crime-fighting innovations, slashing the city's murder rate by nearly two-thirds by the end of the decade. But absent legal, prosecutorial, and sentencing reforms, New Orleans never lowered crime to a level that any other city would consider acceptable, and it didn't sustain its gains. When Pennington ran for mayor in 2002, moreover, he lost to Nagin.

Good policing and prosecution cost money—and after Katrina, New Orleans's regular annual revenues are down 23 percent. So it's reasonable for the city to ask the feds and the state for operating cash for its police and prosecutor's forces over the next few years, in order to give its tax base a chance to recover from the biggest weather-related disaster in U.S. history. What's more, since Louisiana is running a surplus, Governor Kathleen Blanco could send the city one-time funds to upgrade the justice system's equipment. Over the long term, though, New Orleans, always a low-tax city relative to its income, must get used to taxing more and spending more to maintain a professional crime-fighting force. Violent crime will drive middle-class taxpayers out, or keep them out, before higher taxes will.

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But fixing the city's dysfunctional criminal-justice system isn't just a matter of tactics and resources, because the mess reflects a deeper cultural problem. For over a decade, when I have pointed out to well-off New Orleanians that the city suffers high crime because it won't control its predominantly underclass criminals, I have received lectures on how the real problem is anything *but* failure to enforce the law. I just don't understand, I'm told, how bad schools, bad parenting, a lack of inner-city jobs, or some combination of the three must be fixed first. New Orleans's moneyed, mostly white, elite—which could have played a vital role in changing the political debate about crime, just as such citizens did in New York—often voices this "root causes" theory. As one longtime resident bluntly noted, "the white elite is cowed by political correctness."

Anger about crime in New York didn't just come from elites; worried working-class and middle-class voters turned out for Rudy Giuliani in droves. In New Orleans, such citizens, mostly black, often complain about crime, but they don't support the measures necessary to combat it. Just look at Jordan's pre-Katrina report, which concluded that New Orleans often suffered from "both jury and judge nullification"—that is, ignoring the law—especially in cases against small-time drug dealers and users, "*regardless of the evidence*" (italics mine). In 2004, juries found nearly 60 percent of narcotics defendants not guilty, and that was *after* the DA had thrown out thousands of cases. "Some trial observers have suggested that . . . nullification . . . is based on distrust of the police. . . . Others think it may be due to judges and juries being unwilling to impose what they see as draconian sentences for drug use and petty dealing," the DA concluded. Before Katrina, prosecutors chose to treat marijuana possession, being found with "crack pipe residue," and prostitution as misdemeanors, because jurors wouldn't convict in such cases.

Citizens also directly thwart the law in some neighborhoods. Central City native Mims notes that the mothers and grandmothers of suspects arrested for nonviolent crimes often beg neighborhood ministers to persuade prosecutors to release their sons and grandsons. Underclass mothers are often perfectly aware that their kids are involved in crime, and even encourage it, says Mims.

Ignoring Reality

To calculate New Orleans's 2006 murder rate, I divided the raw crime totals provided by the NOPD into generous quarter-by-quarter estimates of New Orleans's population from various sources, including the U.S. Census, the Louisiana Public Health Institute, and the city's own emergency operations center. The result was a shocking 77 murders per 100,000 residents—up from 56 in 2004, the year before Katrina. Using less generous population figures, Tulane professor Mark VanLandingham has found a 2006 murder rate of 96 per 100,000.

Whichever estimate is closer to the truth, the conclusion is beyond dispute: post-Katrina New Orleans is a horrifically dangerous place, even compared with such other hazardous cities as Detroit (41 murders per 100,000 residents annually) and St. Louis (32). But instead of facing reality, police superintendent Warren Riley held a press conference on New Year's Day to boast that the *total* number of murders in 2006 was the lowest in 30 years—ignoring the fact that 30 years ago, the city's population was as much as three times higher!

The NOPD has argued that these reckonings of the city's murder rate are too high because they don't include people who work in the city during the day in their population estimates. But no city includes its typically much-larger daytime population in its murder rate.

The police department has also tried to minimize fear by saying that the crime rate is driven by "criminals killing criminals." And in March, *Times-Picayune* writer Jarvis DeBerry agreed. "Yes, the situation has been bad," he wrote. "Yet—and it's very difficult to make this point without implying that certain lives don't matter—nearly all the homicides have been a consequence of turf wars that more often than not have involved the drug trade."

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One post-Katrina case illustrates the point. In early February, 17-year-old Robert Dawson boarded a bus in Dallas and made the ten-hour trek to New Orleans with his mother, happy, according to news reports, to be returning to Central City after nearly a year and a half. Four hours after Dawson came home, he was dead—shot on the street multiple times, allegedly by a teenage acquaintance, Clarence Johnson. Johnson's mother had reportedly given him the gun that she kept in her housing-project apartment, and urged him to seek revenge on Dawson, with whom he had already gotten into a fight. After the murder, police found a family photo proudly displayed in Johnson's home: a snapshot of the boy, posing with a fistful of cash in one hand, a pistol in the other.

Lousy policing contributes to the general contempt for the criminal-justice system. The NOPD does have some heroic officers; but many are poorly managed and poorly trained, have poor morale, and do their jobs poorly. The result is yet more jurors unwilling to convict, since they've had, or their children have had, bad personal experiences with these cops. Flawed arrests and dropped prosecutions, too, mean that many witnesses won't cooperate, since they know, as Mims says, that violent thugs "will be back on the streets before sundown." And everybody—from white society folk who hire off-duty cops to patrol their streets to poor black kids who carry guns while walking theirs—knows that the only real security in New Orleans is private, not public.

Since Katrina, things have gotten so bad that New Orleans's only effective criminal-justice presence has come from outside the city. Early this year, the Department of Justice gave federal agencies in New Orleans extra resources, including nearly three dozen new agents and attorneys, to get criminals off the streets by bypassing the local justice system altogether. The FBI, the Drug Enforcement Agency, and the Bureau of Alcohol, Tobacco, and Firearms have embedded agents with NOPD officers in some crime-ridden neighborhoods, and they take suspects into immediate custody if it looks as if a federal crime has been committed—carrying an illegal weapon, say, or peddling a rock of cocaine. Letten, the U.S. attorney, secures

But as Louisiana political commentator C. B. Forgotston noted in his near-daily e-mail update on New Orleans crime, "Who cares who perpetrates a murder . . . unless one believes that in America, vigilantism is appropriate?" If New York newspaper columnists had excused their city's crime crisis in the late eighties and early nineties by saying that crack dealers could be expected to shoot one another, New York would never have fixed its problems. It's strange, too, that while New Orleans's elected leaders and elite citizens seem to balk at putting petty drug dealers in prison, they have no problem with those dealers' regularly getting the death penalty out on the street.

But at least Riley and the talking heads say *something*. Mayor Ray Nagin usually chooses to avoid discussing the violence altogether. Contrast his lack of leadership with New York mayor Michael Bloomberg's frank State of the City address this January, absent any public pressure: "Today, crime is more than 20 percent lower than it was five years ago. One reason we've been so successful is because we've always been ready to look the facts straight-on—whether we liked them or not. And last year, the fact was that . . . homicides in our city went up."

After VanLandingham's study came out, Riley's chief spokesman, Joseph Narcisse, seemed more wounded by the messenger than upset by the message. "It hurts the city, and it hurts us all, when we look at murder rates with those per-capita numbers," he said. What's really hurting the city, New Orleans's leaders need to realize, is murder—and their own refusal to acknowledge it.

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VARLEY CHARLIE/SIPA PRESS

Military police patrol hundreds of miles of New Orleans roads, often in sparsely populated—but still dangerous—areas.

indictments and prosecutes the defendants. "Our goal is to detain, imprison, prosecute, convict, and incarcerate these violent criminals," he says, "to get as many individuals into the federal system as possible."

The federal government is doing on a modest scale what successful cops and prosecutors have done in New York and other cities for years now: taking people with illegal weapons or illegal drugs off the streets, because they're the same people who commit violent crimes. In just two weeks' worth of cases, feds caught one man with an illegal loaded gun and charged him in the federal system, one day after a local court had given him a suspended sentence for crack possession. They caught another suspect on a gun charge who'd been convicted of robbery less than five years ago. And they have charged Clarence Johnson's mother with illegal weapons possession. (Garden-variety murder isn't a federal crime.)

The feds emphasize that they're not trying to take over in New Orleans, and they're hesitant to criticize local officials. They're also working within Jordan's system, funding a small team of assistant DAs who screen the huge backlog of pre-Katrina cases and look, too, at difficult cases since the storm. And the FBI has deployed nine agents, all former homicide detectives, to work in New Orleans alongside the NOPD on its backlog of unsolved murders.

To combat unbridled property crime, meanwhile, Governor Blanco deployed a 300-troop Louisiana National Guard contingent, Task Force Gator, last June to patrol lightly populated neighborhoods; Mayor Nagin and the police department had requested the help. "These are crimes of opportunity," says Gator's commander, Major Dirk Erickson, pointing out an abandoned school where guardsmen recently caught looters stripping copper from insulated pipes. The guard's task is vast: Erickson notes that his troops must patrol hundreds of miles of road in neighborhoods often less than half populated. Since June, Erickson's soldiers, acting as deputized state

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troopers, have made nearly 2,000 arrests, many of them of looters. And while the force usually patrols and arrests without violent incident, in early March the guardsmen encountered a bicyclist transporting a hacksaw at 1 AM in a looter-plagued area of the Ninth Ward. The man brandished a knife, threw glass at the troops when they attempted to question him, and then ran. When they pursued him into a flood-ruined house, he pointed what looked like a rifle (later determined to be a BB gun) at the troops, one of whom opened fire and killed him.

Feds and state alike are doing something more than just helping out a strapped city: they're reconditioning criminals, as well as victims and terrified residents, to understand that a functional government metes out predictable consequences for criminal acts.

New Orleanians knew that their city was troubled before Katrina. But today many know that the city will die unless it changes. Many law-abiding citizens are coming home, and they're bringing with them a hardiness and resourcefulness that New Orleans hasn't seen in decades, with tens of thousands of individuals rebuilding their homes by hand.

Some of these brave souls have become political activists, insisting that they simply won't live with violent crime any more, no matter how politically difficult—and politically incorrect—it is to change things. Citizens' anger about crime reached fever pitch in January, after two high-profile murders: Dinerral Shavers, the snare drummer of the Hot-8 Brass Band featured in Spike Lee's documentary *When the Levees Broke*, lost his life in a drive-by shooting (the killer was aiming at the musician's teenage son); and independent filmmaker Helen Hill was shot in her home, as she and her husband shielded their toddler from the unknown assailant. After the two murders, 4,000 citizens—not members of special-interest groups, but real citizens who took time off from work and school—marched on City Hall to protest both crime and the impotence of Nagin and Jordan. A measure of their anger: they did not allow Nagin, who attended, to speak.

Individuals and groups are launching freelance anticrime proposals, insisting that the city government act on them. Ruthie Frierson is a prominent New Orleans citizen (her husband was once crowned Rex, the king of Mardi Gras) now wading into politics. In February, the group that she originally founded after Katrina to reform—successfully—Louisiana's patronage-ridden levee boards joined ten other organizations to unveil a "War on Career and Violent Criminals." The campaign's proposals—they include increasing DA resources devoted to violent crime and repeat offenders, starting a nonprofit effort to record prosecutors' successes and failures, and improving coordination between police and prosecutors—wouldn't be revolutionary in functional cities. But in New Orleans, acknowledging that the city needs an effective criminal-justice system before it can solve its other problems *is* revolutionary.

The Marigny's Natale has started a website to fight not just crime but elected officials who refuse to address it. First on her list to achieve: the "resignation of [DA] Eddie Jordan." Natale represents another necessary evolution for New Orleans. When she speaks of drug dealers, she says that the decision to sell "is an individual choice," rather than excusing criminals because of their poverty and bad educations. And Cantrell, who returned to the flooded Broadmoor neighborhood with her neighbors to rebuild long before the government started giving out grants, is mobilizing citizens' patrol groups to walk block by block and deter property crimes.

Responding to the intense pressure, Nagin and Jordan are making modest attempts to improve policing and prosecution. New Orleans's police superintendent, Warren Riley, said in March that prosecutors and cops would try to cooperate with each other, and he has launched new undercover operations and checkpoints to net drug dealers, weapons, and wanted criminals. The city is also installing more crime cameras, so that it doesn't have to rely on witness testimony. But New Orleans has seen such responses to a "crime wave" before.

The key to sustained change is strong leadership, not treating citizens' safety, the basic responsibility of government, as though it were

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A neighborhood memorial to filmmaker Helen Hill, one of New Orleans's many recent murder victims.

the request of some newly powerful special-interest group. Although Nagin narrowly won reelection last spring, slow political evolution away from business-as-usual may be occurring. In the same election, voters elected two new city council members, Shelley Midura and James Carter, who have begun to insist on some accountability on crime, calling Riley and Jordan to a special session in February to grill them publicly about the city's failure to police and prosecute its criminals. The session exposed to television viewers the troubling fact that Riley and Jordan were so uncooperative that they wouldn't even look at each other. Long-standing tension between the two departments had reached the nadir this winter, when Jordan, indicting seven cops for two shooting deaths in the immediate aftermath of Katrina, referred to police officers as "rabid dogs."

Because New Orleans never gave its citizens the freedom from fear that is the foundation of any healthy city, it has long failed to make progress on other serious troubles: bad schools, dysfunctional underclass behavior, and few job opportunities. "There is no village," says Mims of the proposition that it takes a village to fix the inner city. "The village is afraid. Old people are afraid of young kids." So long as New Orleans remains a terrifying city, potential investors and residents will stay away, and the national taxpayers who must spend billions of dollars to replenish Louisiana's wetlands, which protect the city from hurricanes, will balk.

But with its cheap office space, beautiful architecture, real culture, good universities, and location that's a reasonable flight from both coasts, New Orleans could thrive. And Katrina did the city one great favor: in the weeks of calm just after the hurricane, many citizens saw a different city. "We accepted before Katrina that to live in New Orleans was to live in crime and poverty," Natale says. "But we saw what New Orleans *could* be like in the months after the storm."

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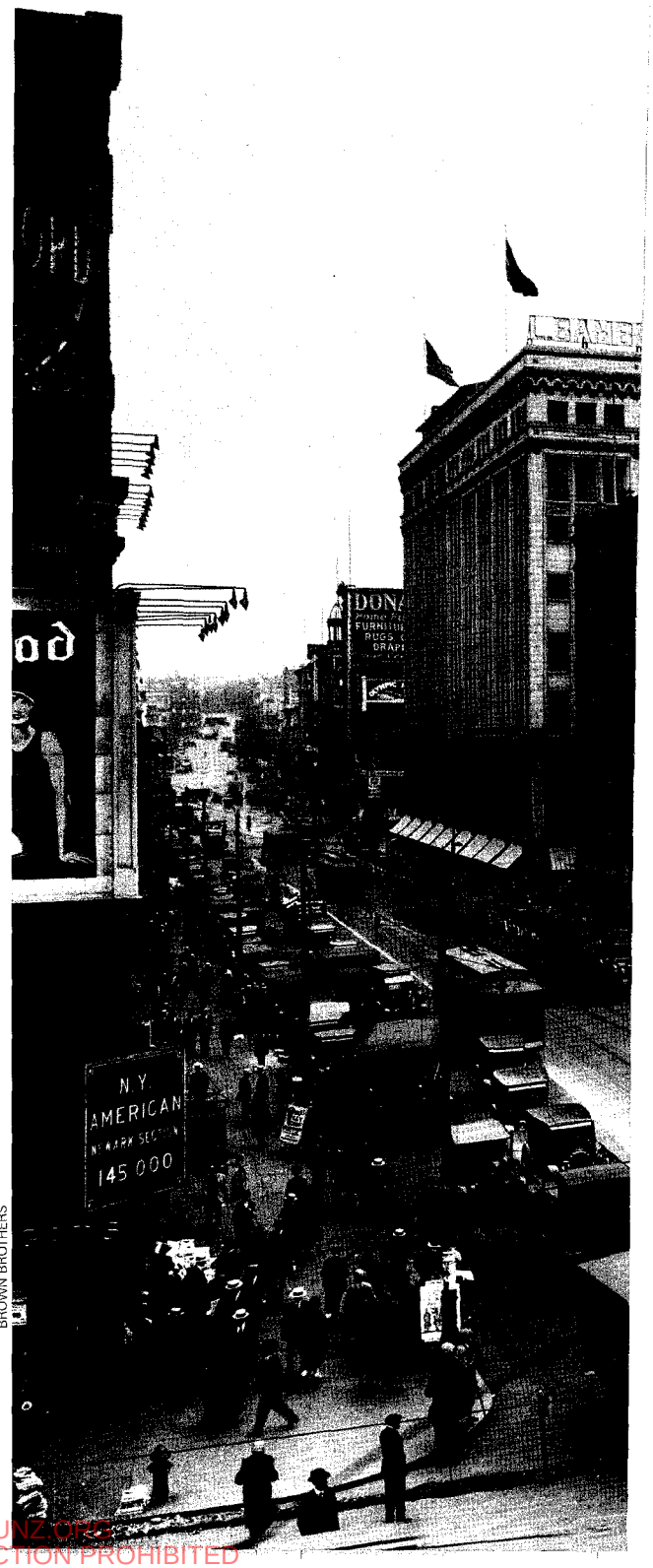
Cory Booker's Battle for Newark

A bold reformer takes on entrenched crime and corruption.



BROWN BROTHERS

Newark was once a bustling city of industry and commerce, as shown in this 1919 photo.

Steven Malanga

Some politicians shape their election strategies on the campaign trail. Others develop them while poring over poll numbers or plotting with advisors. Cory Booker found his on the streets of Newark. One day in 2004, as Booker strolled near his apartment building with his father, the pair heard shots ring out, and then watched chaos erupt as a pack of teens ran past. Booker rushed toward the source of the gunshots and saw a young man staggering toward him. "I caught him in my hands and saw that his chest, his white T-shirt, was filling with deep rich red blood," Booker remembers. Though Booker urged the boy to "hold tight" and "stay with me," 19-year-old Wazn Miller died in his arms, gunned down in broad daylight by a hooded assassin.

Miller might have been another in a depressingly long line of Newark teens murdered and then forgotten, except for Booker's presence.

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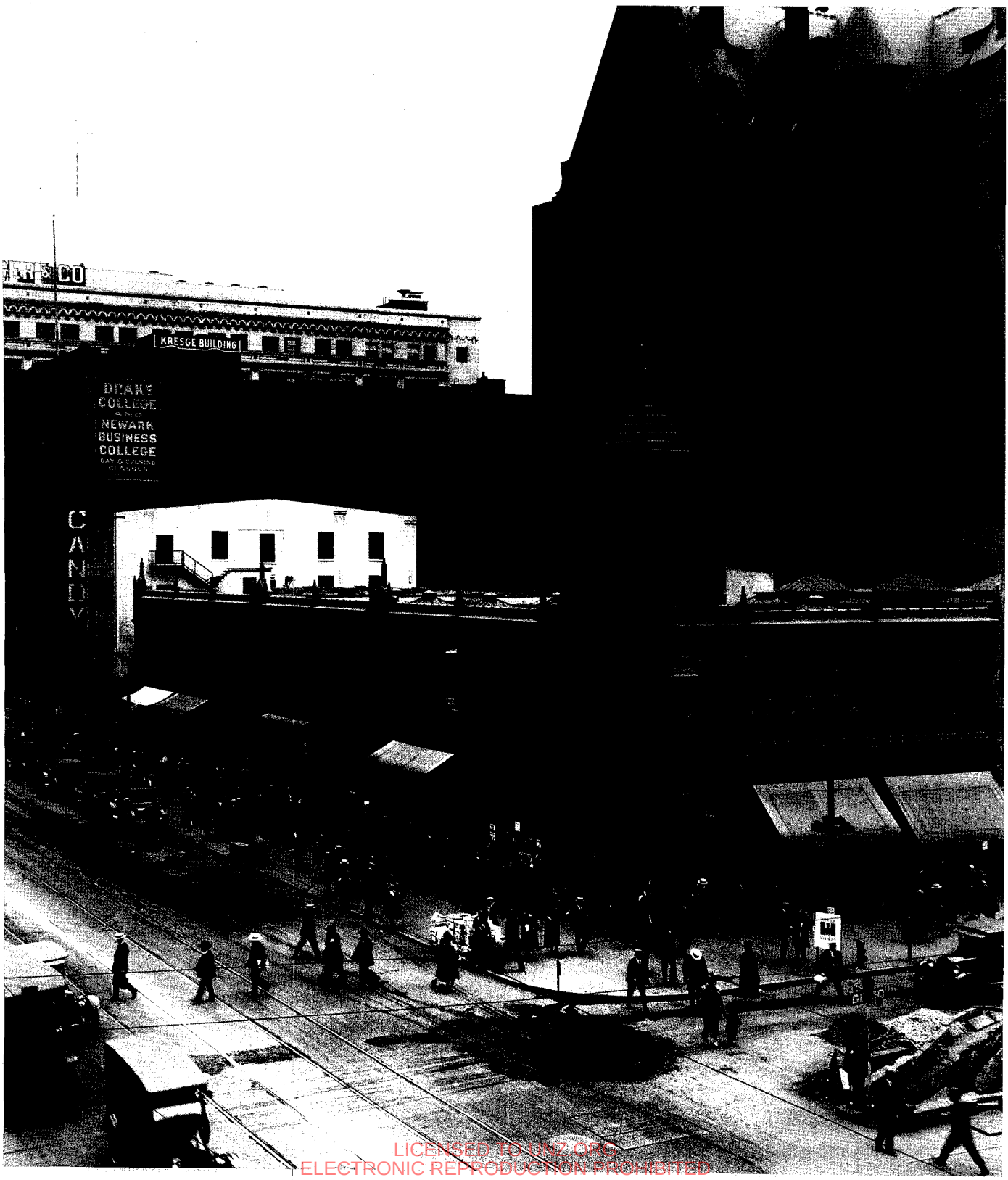

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Booker describes that day as one of his darkest, when he feared most for the city's future. It was also the day when he resolved to double his efforts to lead Newark, one of America's poorest and most violent cities, out of the turmoil that has afflicted it for more than 40 years. Booker invoked Miller's murder during a successful 2006 campaign to become Newark's mayor, and today rarely shrinks from describing the harsh reality of crime in New Jersey's biggest city. "People are dying on a chillingly regular basis in Newark, and there is no moral outrage," says Booker.

Booker believes that he can revive Newark by bringing to it many of the urban reforms that turned New York City around in the nineties. Since taking office last July, the former Rhodes scholar, who grew up in a largely white, affluent suburb, has made reducing crime his Number One priority and installed a zero-tolerance policing strategy engineered by a veteran of New York's drug wars. He's also pushing school choice to shake up Newark's appalling public schools, and has imported top managers from around the country to combat the legacy of political bossism and patronage that has left Newark with an often woefully incompetent government.

As thorny as the challenge might seem in a city whose residents have seen one broken promise after another since race riots erupted there 40 years ago, Booker and his team are hopeful. Unlike some other faded industrial cities, Newark has potential advantages for the twenty-first-century economy, with a location in the middle of the Washington–New York corridor, impressive transportation options, and far lower costs than nearby Gotham. "The unrealized potential of Newark is tragic," says Stefan Pryor, Booker's new economic development chief.

Newark's descent into urban dysfunction during the second half of the twentieth century contrasted starkly with the city's largely prosperous early history. Founded on the banks of the Passaic in 1666 by New Haven Puritans, Newark was predominantly a farming community until advances in travel and communication linked it to nearby New York City. That connection spurred Newark's rapid industrialization, making the city by the mid-nineteenth century a home for industries like shoe manufacturing, hat production, and other garment sectors overflowing from crowded Manhattan. A homogenous community of farmers transformed itself into a diverse city of varied neighborhoods—from working-class districts, where immigrants toiling in Newark's factories came to live in brick row houses, to gracious enclaves of the rich like Forest Hills, where the city's industrialists built baronial homes.

But within Newark's success lay the seeds of its downfall. As it became America's most heavily industrialized city, Newark attracted the attention of powerful organized-crime families from New York. Their corrupting influence in the early part of the twentieth century spread from gambling and bootlegging into Newark's unions and manufacturing industries, and eventually into the city's politics. Abner "Longy" Zwillman, a bootlegger who smuggled through Newark nearly 40 percent of all liquor peddled on the East Coast during Prohibition, bought off enough local officials to take control of the city's politics from the late 1920s until his death in 1959. Mob influence then passed to Ruggiero "Richie the Boot" Boiardo, a capo in New York's Genovese crime family, and Angelo "Ray" DeCarlo, who famously helped to fix the 1962 Newark mayoral election for Democratic congressman Hugh Addonizio.

Federal investigations into Addonizio's sleazy administration later revealed that almost every aspect of Newark's government operated like a racket. Officials fattened the cost of contracts by 10 percent for kickbacks, and city government even used the same bought-and-paid-for auditors as the mob did. Every Newark citizen and firm paid a corruption tax. One 1950s study found that Newark, with some 460,000 residents, had the most expensive government of any midsize American city, spending nearly twice as much per citizen as the average.

By the 1960s, manufacturers had begun leaving for cheaper regions, just as Newark was absorbing waves of unskilled blacks from the rural

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South, creating a toxic mix of urban decline that exploded in the 1967 race riots. Fearful and without faith in Newark's blatantly crooked government, the middle class fled. The city's population shrank to just 270,000 mostly low-income residents—a 40 percent decline.

Newark never recovered from the era's disorder. A so-called reform movement that emerged in the aftermath of the riots merely exchanged one form of crooked, inept government for another. Addonizio's successor and Newark's first black mayor, Kenneth Gibson, promised to clean up the city with billions of dollars in federal and state aid, but government corruption persisted. Gibson himself wound up indicted on charges of handing out a no-show job, and though a court acquitted him in 1982, investigators jailed a host of city officials for misdeeds on his watch.

Newark languished. By 1986, after 16 years under Gibson, the city's unemployment rate had risen nearly 50 percent, its population had continued dropping, it had no movie theaters and only one supermarket left, and only two-thirds of its high school students were earning diplomas. That year, Democratic councilman Sharpe James ran for mayor as a reformer, claiming that fighting crime had lagged under Gibson and that Newark was now "fear city, dope city." Gibson could hardly dispute the contention—both of his parents were mugging victims in the city during his mayoralty. But little changed under James. The community-college professor turned politician assembled a powerful urban political machine of his own, and scandal marked his 20-year reign, including the jailing of his chief of staff on corruption charges and of his police director for stealing money intended to finance operations against the local drug trade (see "The Mob That Whacked Jersey," Spring 2006).

"Booker believes that he can revive Newark by bringing to it many of the reforms that turned New York City around."

This was the dysfunctional political culture that Cory Booker confronted when he opened up shop in Newark in 1997, seeking to put his skills as a recent Yale Law School grad to work representing the city's poor. Challenged by one of the first Newarkers he met to live with the community he sought to defend, the former Stanford University football star moved into a run-down housing complex in the city's Central Ward, where he and other residents would often go for weeks without heat and hot water. Frustrated by the hardship around him and outraged at the dishonesty and fecklessness of Newark's government, Booker ran for city council as an outsider in 1998 and pulled off an upset, unseating a 16-year incumbent.

A Democrat, Booker nevertheless remained an outsider, often outvoted eight to one by the Newark Democratic political establishment. So he began staging media events—dismissed as "stunts" by Mayor James—to draw attention to local ills, including camping out on street corners to spotlight the drug trade that openly flourished in the city. Booker also crossed party lines to seek solutions to Newark's problems. With South Jersey Republican businessman Peter Denton, he cofounded the education-reform group E3, which advocated bringing more schooling alternatives—from charter schools to vouchers—to struggling inner-city kids. "When I first met Cory, school choice was still very controversial in Newark," says Denton. "In black communities, it was understood as something that white Republicans supported. But Cory understood its importance right away and was willing to advocate for it." Booker was appalled to see many of Newark's political leaders—"the connected, the elected, the elite," he calls them—sending their kids to private schools but condemning poor children to remain in the terrible public schools.

Unable to get the political establishment to pursue the needed reforms, Booker decided to

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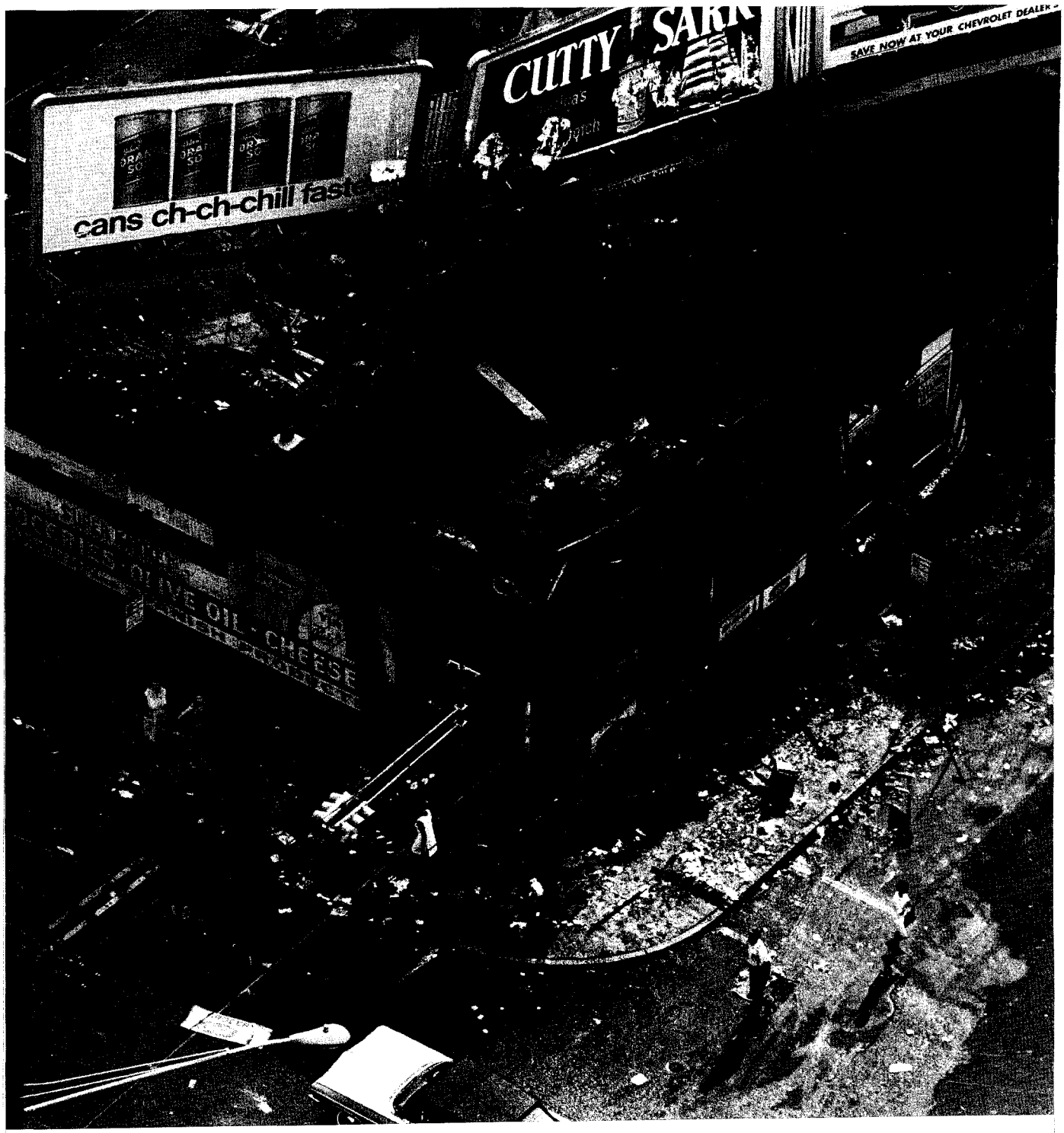

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BETTMANN/CORBIS

The 1967 race riots ravaged downtown Newark, sending the city into a tailspin from which it has yet to recover.

run for mayor. In his first campaign, in 2002, he slammed headlong into James's political machine. As recorded in the Oscar-nominated documentary *Street Fight*, Newark police ejected Booker from housing projects where he was campaigning, while a businessman who held a fund-raiser for him had his firm shut down for dubious code violations. James and his supporters shamelessly played the race and religion cards. On the *Today Show*, James declared that the Baptist Booker was actually Jewish (while at Oxford, he did become the first non-Jewish, nonwhite president of the campus's L'Chaim Society after befriending the group's rabbi). Calling himself "the real deal," James also questioned whether Booker was authentically black. The mayor told Booker, "You have to learn how to be African-American, and we don't have time to train you." As transparent as such ploys were, they helped give James a narrow victory. The margin was close enough, however, that when Booker ran again in 2006, James declined to seek a sixth term. Booker crushed a James ally, deputy mayor Ronald Rice, to become Newark's 36th mayor.

In office since last July, Booker must now try to defeat the evils that he has inveighed against. Even as a smattering of office towers, an elegant arts center, and a baseball stadium have risen near the waterfront, Newark remains grindingly poor. Nearly a quarter of its residents live below the poverty line—almost twice the national average. Newark's unemployment rate is double the nation's, while the median family income of $30,665 is just half the Jersey average. Social dysfunction is endemic, contributing heavily to the poverty number. The city has a nearly 70 percent out-of-wedlock birthrate, and, as social scientists note, over half of all American kids born without a legal father will arrive in the world poor. Booker has called for "a chorus of moral voices" in the community to urge "an end to behavior that perpetuates poverty and economic isolation."

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By rights, Newark should pulse with economic energy, given its advantages. The city is just 15 minutes by train from Manhattan and boasts a truly world-class airport and a port that has replaced New York's as the conduit for much of the area's oceangoing goods. It should be a magnet for companies that want to locate in a downtown setting, near mass transit, but avoid Manhattan prices, as well as for young professionals looking for affordable urban living. "Cory Booker is the kind of young professional that Newark should be attracting," says Seth Grossman, executive director of the city's Ironbound Business Improvement District.

One model of what the entire city could look like already exists in the thriving Ironbound neighborhood. Ironbound began reviving in the mid-1970s as waves of immigrants, many of them Portuguese, brought stability and a measure of prosperity to the area. Today, the neighborhood attracts out-of-towners, including hip New Yorkers, to its 170 or so mostly Brazilian, Portuguese, and Spanish restaurants—the most vibrant dining scene in Jersey—and to a sizzling nightlife that features everything from samba to fado, the traditional Portuguese folk music. Median family income in the district is 20 percent higher than in the rest of the city; its poverty rate is some 25 percent lower.

But Newark's well-deserved reputation as a dangerous city, with a murder rate much higher than New York's, has blocked any broader revival. Today, some 100,000 suburbanites commute into the city's downtown to work but zoom home after dark. Crime has thus far defeated a 30-year effort to pitch Newark—with its historic, nineteenth-century brick architecture—as a low-cost alternative to New York's bohemian neighborhoods. In one recent incident, the director of an arts group that has led an effort to fashion artist enclaves in Newark quit after getting attacked in the group's headquarters. A new director agreed to work in the city only if provided with life insurance. The demand was "no joke," he remarked. "I am a man with a young family."

Crime has also kept Newark from capitalizing on the boom in information and financial services that has reenergized neighbors Hoboken and Jersey City, bringing good jobs and talented residents to those former industrial cities. Only 13 percent of Newarkers have college degrees, compared with 32 percent of the residents of Jersey City, which benefited from a strong dose of reform in the 1990s under former investment banker Bret Schundler.

Booker is keenly aware that the city's prime challenge is reducing its crime rate. "Everything hinges on that," he says, including future economic development and reviving neighborhoods. In his first move after taking office, he ordered police to flood the city's highest-crime areas to stem gang violence. To lend a hand on hot summer nights—in a move that James would surely have labeled a "stunt"—Booker even donned sweats, grabbed a basketball, and journeyed into gang territory, where he challenged local kids to pickup games.

More substantive efforts have followed. Booker has hired as his police director a top NYPD cop, Garry McCarthy, who led Gotham's successful battle against the drug trade in Washington Heights, which combined stepped-up street patrols with community outreach, including cajoling landlords into fixing up abandoned buildings. Though criticized for bringing in a white outsider to run the police in a majority black city, Booker hasn't flinched. He and McCarthy are reorganizing Newark's oft-criticized department, long wracked by graft and ineptitude. The Newark Police Department has introduced a narcotics squad, a first in its history, and set up a special unit to chase down fugitives. "We used to have people released from jail and violating parole, and we didn't bother to seek them out," Booker says incredulously. In its first two months, the new unit apprehended 75 fugitives.

Booker also believes that instilling respect for the law is crucial in driving down crime. Newark has thus instituted sweeps of illegal gambling establishments, which for years have operated with impunity. "The message has to be sent that no one is above the law," one of Booker's deputy mayors said of the crackdown.

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Next, Booker is turning his attention to enforcing quality-of-life crimes—something he's passionate about. Driving with his police escort recently, the mayor watched as occupants of the car in front of them hurled trash out of their window. Ordering his escort to pull over the car, the mayor rolled down his window and berated the offenders. "I told them that what they did was an act of violence," he recalls.

Booker's rigorous quality-of-life enforcement doesn't meet with universal admiration in a city where crooked cops have often given the police a bad name. But the new mayor is resolute. "I am sensitive to the issue," he says, "but we need to turn up the heat in the city, and I am fully ready for any backlash."

"Newark should be a magnet for firms wanting to locate in a downtown setting but to avoid Manhattan prices."

Booker and McCarthy will need such determination. Though shootings fell in Booker's first six months in office, murders spiked, making it clear that even the New York playbook on fighting crime will find Newark's lawless streets a tough test. "If you look at a map of crime in Newark," says one criminologist, "what strikes you is that unlike cities like New York or Boston, where there are trouble spots that police can focus on, Newark is like one big hot spot."

Lousy government at the state and county level in northern New Jersey has intensified Newark's crime woes. The county prosecutor's office responsible for Newark has the worst conviction rate of any of the state's 21 counties, doubtless because it's a haven for political appointees who aren't necessarily qualified investigators or prosecutors. Jersey's attorney general stripped one recent county prosecutor of duties after the indictment of four of her investigators on misconduct charges.

Moreover, local judges in Newark have a reputation for setting bail low and putting dangerous criminals back on the streets, where they often create more mayhem, while they await trial. In one recent case, Newark police arrested a man wearing full body armor and touting an arsenal of illegal weapons; he also had a long criminal record. The judge set bail at a mere $1,300. "This guy was either hunting someone or being hunted, and putting him back on the streets was the worst thing you could do," says a criminologist. "A few weeks later, the guy was found dead."

As if all these difficulties weren't enough, Booker has also faced direct threats from gang members. Shortly after Booker's election, guards in a state prison uncovered what looked like a plot against the mayor's life. A letter reputedly written by a gang leader exhorted followers to "get that dude."

Even as Booker zeroes in on crime, he's had to deal with a raft of troubles left over from the previous administration, among them a surprise $44 million budget hole uncovered by state auditors. The audits have revealed a fiscal mess in Newark under James, with unpaid invoices going back years, questionable allocations, and estimates that the city is failing to collect some $80 million a year in taxes. Prosecutors in Newark are investigating last-minute spending by the James administration, including more than $80,000 charged to city credit cards for trips to Brazil, Martha's Vineyard, and Puerto Rico. Booker had to plug the late-year budget gap with a property-tax increase that enraged homeowners.

Booker has sought to import more professional management. In addition to McCarthy, Booker tapped Pryor, a friend from his Yale Law School days who previously led redevelopment efforts for lower Manhattan, as economic development chief. Pryor was instrumental in engineering Hartford, Connecticut's Livable City Initiative, which sought to involve the private sector in revitalizing that city's downtown. While vice president at the New York City Partnership, a business group, Pryor also headed up a program that used business-style initiatives,

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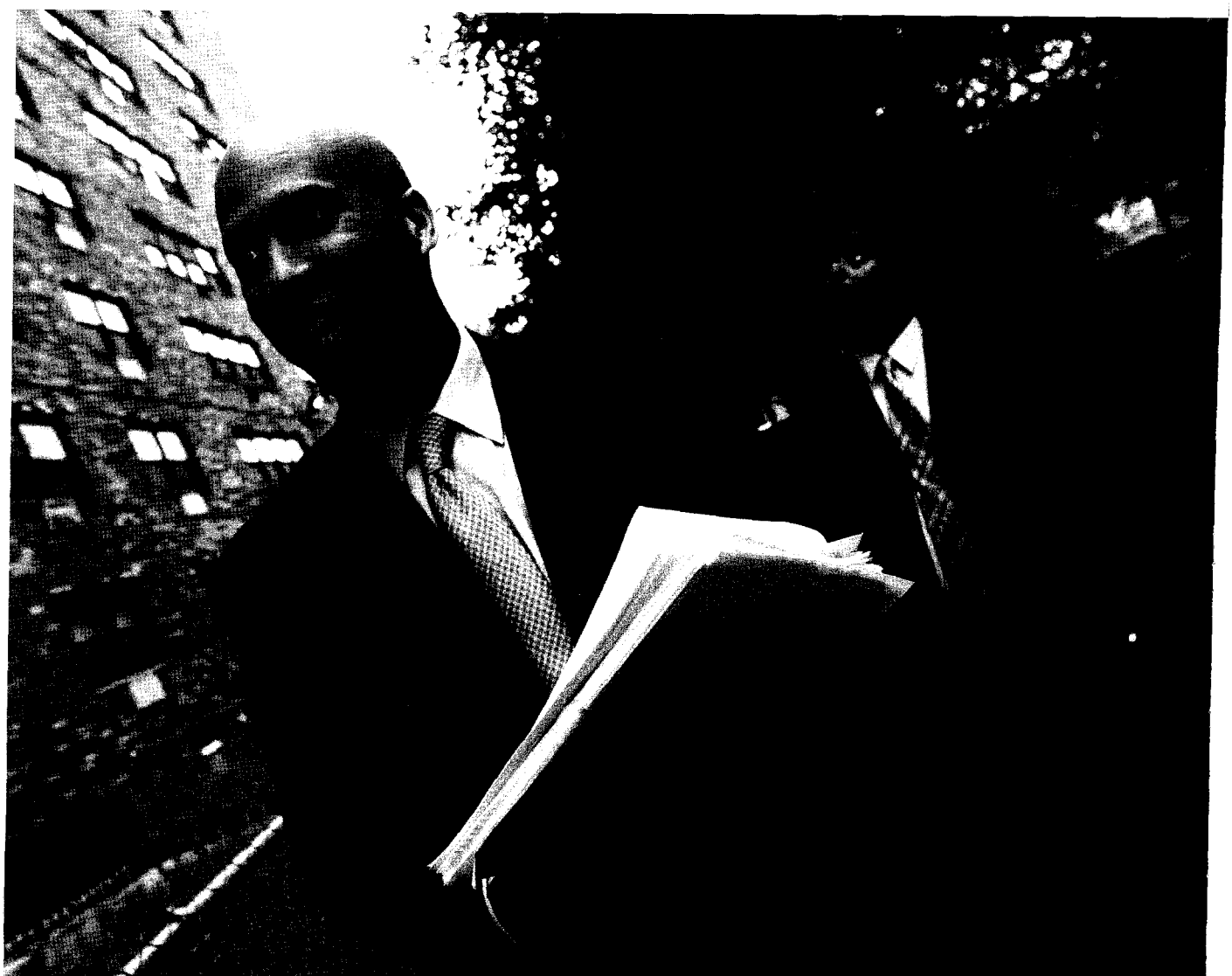

For Booker, seen here outside the decrepit housing complex that he once called home, reducing crime is the top priority.

including merit pay and bonuses, to reward public school teachers and principals. In Newark, among other initiatives, Pryor wants to lure more banks into the mortgage market to increase homeownership in a city with one of the lowest ownership rates in the country. "The culture of homeownership has not arrived in Newark," Pryor says. "We want to encourage more individual wealth creation."

Booker also wants to slash the city's workforce by 10 percent to 20 percent. He has already fired more than 60 people at city hall, many in patronage jobs, and cut 425 jobs in the Newark Housing Authority, after a federal investigation found that the agency, a longtime source of political cronyism, was padding the payrolls with money designated for capital projects. With refreshing candor, Booker's housing

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chief defended the firings by noting that the housing authority wasn't a jobs program.

Such efforts have sparked controversy, however, for most of those dismissed are African-American Newarkers, while new appointees have hailed from all walks of life and races. Booker discounts the critics, saying that he's "tired of racial politics" and of "leaders wrapping themselves in kente cloth." But in a city where race and political connections have often been the key factors in public-sector hiring, Booker knows that his outside appointees will face close scrutiny.

What may be Booker's greatest challenge is waiting in the wings: reviving Newark's atrocious school system. Right now, Booker doesn't have control of the schools; the state took over the Newark system after a damning 1994 investigation found widespread mismanagement and corruption in the elected board of education. Since then, the state, under a court order, has poured billions of dollars into the city's schools, so that Newark now spends nearly $17,000 per pupil a year—about 75 percent more than the national average.

Yet the money has done little good, since the state has pursued few educational innovations and hasn't taken on entrenched educational interests (above all, the teachers' union), which still control much of the system. Student performance has continued to plummet. "High school achievement rates have virtually flipped, from almost 70 percent of graduating Newark kids passing the state's high school proficiency exam when the state took over, to only about 30 percent passing it now," says Richard Cammarieri, a member of the Newark schools advisory board. E3 executive director Dan Gaby bluntly describes the system as "in crisis," estimating that it spends an astonishing $1.3 million for every qualified student it manages to graduate from high school.

Booker's first order of business if he gets control of the system, which remains an open question, will be to appoint a strong chancellor, along the lines of the Chicago schools chief or New York City schools chancellor. He wants to bring to Newark many of the promising education reforms he sees around the country: closing and replacing chronically failing schools (Newark has some 30 of them), letting parents choose which schools within the system to send their kids to, and inviting more operators of successful private schools into the city to run charter schools. "I have stopped going to lotteries for admission to charter schools because I was so saddened to see parents who have run out of options for their children," Booker says.

Booker has thrown his weight behind a state bill, sponsored by Democratic legislators, that gives tax credits to companies that contribute to a scholarship fund for Newark students who want to attend private schools or jump to public schools in better-performing districts. Critics, especially the state's powerful teachers' union, have branded the scholarship money a surreptitious voucher program that will eventually harm public schools, and the state's governor, Jon Corzine, has yet to endorse the legislation. But Booker responds: "Who can object to a pool of money that will give poor children the same opportunities as middle-class kids?"

Booker could have even tougher education battles to come, especially in ending seniority rules that allow veteran teachers to pick where they want to work, regardless of performance, and rewriting bureaucratic regulations that make it tough to fire bad educators. "If you can't change those things, you will fail in any effort to fix this system," says Gaby.

In less than a year, Booker has brought big changes to Newark, but he is struggling against tough odds—an entrenched political culture of patronage, corruption, and ineffective government and an urban population with greater social problems and an even higher crime rate than Rudy Giuliani faced in New York City during the nineties. Booker says that he'll have the staying power to win. "I've been inspired by people who haven't given up on their community," he says, remembering his old neighbors in the Central Ward, who could have abandoned the city but chose to make a stand. Now Booker is making his own tenacious stand in Newark, and the city's future may depend on his success.

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The Incredible Shrinking Father

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Artificial insemination begets children without paternity, with troubling cultural and legal consequences.

Kay S. Hymowitz

Here's a Delphic riddle for our times: When is your father not your father? Answer: when he's a sperm donor. Consider a case now before the Kansas Supreme Court. An unmarried woman in her early thirties decided that she wanted a child and asked a friend to be a sperm donor. He agreed, one thing led to another, which led to a syringe of his sperm, which led to the birth of twins. The mother says that she always intended to raise the kids alone and never wanted the friend involved in their lives. The donor says that he planned to be the twins' father in name and practice. There is no written contract. What does the contemporary Solomon do?

Well, in a Kansas trial court, Solomon rules that without a contract the twins have no father. The man who provided half of the children's genetic material has no more relationship to them than does the taxi driver who rushed their mother to the hospital when she went into labor. Now, assuming that the supreme court upholds the decision, the state of Kansas can celebrate adding two more fatherless children to its population, and Mom can rejoice by dressing her twins in bibs—available over the Internet—proudly announcing: MY DADDY'S NAME IS DONOR.

You'd think that we had enough problems keeping fathers around in this country, what with out-of-wedlock births (over a third of all children are born to unmarried women, and, in most cases, the fathers will fade from the picture) and divorce (the average divorced dad sees his kids less often than he takes his car in for an oil change). But these days, American fatherhood has yet another hostile force to contend with: artificial insemination. This may sound a tad overheated. After all, AI has been around, by some accounts, for over a century. And the number of kids born through the procedure each year, though steadily growing, remains quite small relative to the millions of babies conceived, as we can now say completely without irony, the old-fashioned way.

But aided by a lucrative sperm-bank service industry, an increasingly unmarried consumer base, a legal profession and judiciary geared toward

Illustrations by Arnold Roth

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seeing relationships through a contractual lens, and a growing cultural preference for individual choice without limits, AI is advancing a cause once celebrated only in the most obscure radical journals: the dad-free family. There are multiple ironies in this unfolding revolution, not least that the technology that allows women to have a family without men promotes the very male carelessness that leads a lot of women to become single mothers in the first place. And fatherless families are a delicate proposition, as AI families are discovering, since all the scientists' technology and all the lawyerly contracts can't take human nature out of human reproduction.

In the middle of the twentieth century, artificial insemination seemed as family-values-friendly as Dr. James Dobson himself. If a woman had trouble conceiving, doctors would inject her husband's sperm directly into her uterus. Or, if the husband's sperm count was low, physicians would enlist the help of medical students willing to provide their sperm. AI was rare, producing 5,000 to 7,000 American babies a year.

It was also hush-hush. Doctors often kept no records or they signed false birth certificates, and they firmly instructed patients to tell no one, especially the kids. Most children conceived through AI during that era probably went through life unaware that Dad was not a biological relation. From today's vantage point, the approach seems typical of a time too enamored of family secrets and overly cowed by medical authority. Yet if the mid-century approach to artificial insemination was excessively protective of the feelings of infertile men and failed to grasp that family secrets have a way of unraveling rather messily, it also recognized, as did the culture at large, that a child needs both clarity and an intact home.

That recognition began to weaken as technology, economics, and a liberalizing social climate worked together to expand AI into brave new territory. First: technology. By the mid–twentieth century, scientists figured out the science of cryo-freezing cattle sperm; by the late seventies, they had perfected techniques that could store the more delicate labor of men. This innovation led to the expansion of that peculiar contemporary entity, the sperm bank, and that in turn led to the transformation of AI from a fringe medical procedure to a consumer business. Freezing enabled sperm banks not only to weather but also to benefit from the HIV-AIDS epidemic. Bankers can freeze a man's sperm for six months—the time that it can take for HIV to show up in the blood test of an infected individual—and then do a blood test on the donor before putting the product on sale, making frozen sperm safer than fresh.

Then: market economics. In his fascinating new book, *The Genius Factory*, David Plotz describes the 1980 origins of the Repository for Germinal Choice. Widely known as the "Nobel Prize sperm bank," because (supposedly) it specialized in the seed of Nobel laureates, it was one of the earliest banks, and the first to treat would-be mothers as customers rather than as patients. The founder, an eccentric millionaire eugenicist named Robert Graham, marketed his stable of studs through brochures touting such qualities as "beautiful teeth," "happy and radiant personality," and, of course, a dazzling IQ. Today's sperm banks—often mighty enterprises compared with the corner-store operation that was the Nobel bank—provide lengthy online catalogs of donors, containing basic stats like height, hair, eye color, and education. If donor #305 has the right coloring and smarts to be your child's father, you can make sure that he's the one for an extra fee, by buying his psychological test, his baby photo, an audio interview with him, and perhaps even the sperm bank's notes from his intake interview.

And finally: a changing social climate. The increasingly sophisticated, market-driven technology eventually joined forces with what I call the "unmarriage revolution"—that is, the decoupling of marriage and child rearing—and extended itself to single women and lesbians. As early as the seventies, a small number of lesbians were bypassing the medical establishment by procuring the necessary body fluid from male friends or acquaintances, and buying a mason jar and a turkey baster from the local hardware store.

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Now they're more likely to go to the sperm store like everyone else, especially since a 2006 American Society for Reproductive Medicine Ethics Committee report calling for equal access to fertility treatment for gays, lesbians, and singles. These days, anyone can buy sperm: married couples, gay couples, and single women; women on the AARP mailing list, women barely out of college, 40-year-old women who have tried desperately to find husbands and have no other hope of becoming mothers, and 20-something women who—well—just want to, that's all; rich and famous women like Annie Leibovitz, Wendy Wasserstein, and Mary Cheney; and divorced third-grade teachers who live in modest two-bedroom condos and are fed up with men. Whoever. The California Cryobank, the country's largest, estimates that about 40 percent of its customers are unmarried women. The Sperm Bank of California says that two-thirds of its clientele are lesbian couples. Most professionals believe that about 1 million American children are the progeny of sperm donors—the large majority of them anonymous—with 30,000 more boosting the ranks each year.

Subtract the children born via AI to infertile married couples: that's still a lot of fatherless kids.

Most fertility specialists—except perhaps the Nobel factory's, whose ambition was to improve the race—probably never imagined themselves as building a new family order. They just believed that they were helping the unfortunate, a view that the joyful maternal testimonials filling sperm-bank websites support. But that doesn't answer the question of whether spreading happiness—as opposed to the entirely different matter of healing the sick—automatically validates artificial insemination's almost entirely unregulated march into the mainstream of American life.

For starters, an AI foul-up can be traumatic. Just ask the white British woman who thought she'd been inseminated artificially with her white husband's sperm—until she delivered black twins. For decades, sperm banks have proliferated like Starbucks. You could open one in your garage or in back of the local pet store. Plotz mentions a scientist who told a television reporter that, along with running a small sperm bank, he also bred dogs. In fact, he went on, he kept his human and canine sperm side by side in his freezer. The threat of a harried technician accidentally reaching for Rin Tin Tin's seed as a potential mother-to-be waited nervously nearby was enough briefly to rouse California public health officials, who shut down the sperm bank. For the most part, though, industry oversight is minimal. Sperm banks must register with the FDA and screen for several diseases, including HIV, but that's about it.

"For decades, sperm banks have proliferated like Starbucks. You could open one in back of the local pet store."

The thorniest problems unleashed by widespread AI have had less to do with mix-ups than with what has always been one of society's most vexing questions: Who is the father? In a more conservative time, lawyers joined—critics might say conspired with—doctors to contain the potential ambiguities of paternity and to bolster the social consensus that children should grow up with married parents. In 1973, the American Bar Association published the Uniform Parentage Act, a model state law that proposed that a woman's husband automatically be deemed the legal father of her AI children—assuming that he had consented to the procedure and that a doctor had performed the insemination. The donor dad would be a legal cipher, just as he was a domestic one.

But with a growing number of AI cases involving single women and lesbian couples, the pretense of the donor's nonexistence is no

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longer tenable, since there's no father around. The issues surrounding the practice have grown vastly more complicated: Can a sperm donor be a father? Can his mother be a grandmother? Can a child conceived through AI inherit property from her biological father? Can a child have two mothers and no father? How about two mothers *and* a father? Can the lesbian partner of a biological mother have custody rights if the couple breaks up? Can she be required to pay child support? And, again, who are the grandparents?

Unfortunately, in the absence of any other authority, answering these questions has fallen to family court judges, who are—and I mean no disrespect—not always the sort you'd expect to be on the short list for the Louis Brandeis Award for Cautious Jurisprudence. True, these are hardly people who dream of redefining the family when they promise to uphold the Constitution; probably the last label that they imagine applying to themselves is "activist judge." But when they try to figure out whether a woman has the right to visit the child she diapered, fed, and read to for four years before she and her partner split up, they have only a small number of blunt instruments in their legal toolbox: case law on custody and visitation, the best-interests-of-the-child doctrine, contract law, and so forth. They aren't thinking that their decisions could be enshrining in law a profound cultural transformation that few Americans have had a chance to register, much less opine on. In fact, many legal theorists argue that in making such decisions, the courts are simply "catching up with reality."

But it turns out to be more like reality on Mars. In unwitting alliance with a fertility industry fiercely protective of anonymous gamete donation, the courts have given their imprimatur to two nonsensical biological conditions: children who have no fathers and fathers who have no children. The old Uniform Parentage Act had it that a donor had no paternal standing, because at the time the law needed to resolve the potential problem of *two* fathers: the donor and the mother's husband. It should be obvious that in the case of a single or lesbian mother, the problem is quite different: there is no "other father."

But it hasn't proved obvious to most legal experts, who continue to revert to the Uniform Parentage Act formula: as long as a doctor performs the insemination or a sperm bank sells the sperm, the donor is not a father. This doesn't simply mean that the child is fatherless in the way that, say, an orphan is fatherless. Rather, the child is born into an entirely new human circumstance. For, according to the law, he never had a father at all. The man who fathered him is not in fact his father; instead, he's the originating site of organic material that is for sale, like a sulfur mine or a fish farm. Witness the title of a 1994 *Dickinson Law Review* article: "The Potential for Products Liability Actions When Artificial Insemination by an Anonymous Donor Produces Children with Genetic Defects."

To justify this new "reality," many legal scholars argue that we should reject biology as the basis of parentage in favor of the principle of "intentionality." It's the person—or persons—who *planned* the child who have parental rights. A donor doesn't intend to become a parent to his offspring—he is an intentional unparent, if you will—while the woman who uses his sperm does, and therefore is. "State interest is best served by honoring the preconception intent of each adult who took part in conception, regardless of his/her biological role," Justyn Lezin argues in *The Hastings Women's Law Journal* in language typical of this line of thinking.

You shouldn't have to be Brandeis to see the land mines that line the road of intentionality. For one thing, intentionality is wildly inconsistent with the law's traditional presumption of paternal responsibility. Say a man has a drunken one-night stand with a woman he meets in a bar. If she gets pregnant, the law sees him as a father, and he must pay child support for the next 18 years. But if a college student visits the local sperm bank twice a week for a year, produces a dozen children, and pockets thousands of dollars, he can whistle his way back to econ class, no cares, no

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worries. Intentionality can't explain that disconnect.

And that's just for starters. A woman participating in an online discussion group at the Donor Sibling Registry, a database for AI parents and children, describes how she and her lesbian partner decided to have a child together. After she became pregnant through a donor, the couple purchased a house and settled in to wait for the blessed event. But several months later, the partner lost interest and moved out, announcing that she no longer intended to become a parent. If it were the child's father who pulled that stunt, no rational person would disagree: your baby, your responsibility, Bub. But in what sense is the partner a parent to a child she's never seen, much less nurtured, and to whom she is biologically unrelated? Simply because for a few months she thought that she wanted to be a parent? And why should her intent prevail over other goods—in this case, the biological mother's need to create a loving environment for the child, or—now here's a radical idea!—the child's interest in knowing her father?

As intentionality has come to supplant biology, the law, by pretending nature doesn't exist, has not caught up with reality; it has pole-vaulted over it. A family court in Burlington County, New Jersey, recently put two women on a state birth certificate. Last year, Virginia issued a birth certificate for a gay couple that read "Parent A" and "Parent B." Massachusetts officials proposed crossing out "Father" on the state's birth certificate and replacing it with "Second Parent" (until then-governor Mitt Romney nixed the plan). Many legal scholars are now proposing that courts move beyond the "heterosexist model" entirely. Why not put three parents—or four, for that matter—on the birth certificate? This past January, an Ontario court did just that. Intentionality, it seems, can accomplish almost anything.

AI's potential for deconstructing the family has not been lost on radical feminists. In *Baby Steps: How Lesbian Alternative Insemination Is Changing the World*, Amy Agigian, a sociology professor at Suffolk University in Boston, observes: "Lesbian appropriation of medical technology (AI) that was intended to shore up nuclear families" has "radically challenge[d] the power structure, assumptions, and presumed 'naturalness' of major social institutions." AI promotes a "postmodern family form that emphasizes affinity over biology and (patri)lineage." For thinkers like Agigian, one of AI's greatest benefits is that it dethrones what Canadian feminist Kathryn Pauly Morgan calls PIVMO (penis in vagina with male orgasm). Postmodern anthropologists studying reproduction technology—and there are enough of them to be producing a steady stream of volumes with titles like *Conceiving the New World Order*—have joined in, arguing that the whole idea of kinship based on sexual procreation is a Western construct, happily on its way out.

Highly credentialed mainstream experts are also taking a take-'em-or-leave-'em approach to dads. There was Louise Silverstein and Carl Auerbach's infamous "Deconstructing the Essential Father," a 1999 *American Psychologist* article arguing that "neoconservative social scientists" who cautioned against the fatherless family simply wanted to uphold "male power and privilege." More recently, Peggy Drexler, an assistant professor at Weill Medical College of Cornell University and a board member of New York University's Child Study Center, has made a similar case in *Raising Boys Without Men: How Maverick Moms Are Creating the Next Generation of Exceptional Men*. Drexler announces that she herself is raising two children with her husband of 30-plus years, but one has to wonder whether her book isn't a silent cry for help. Her index under "fathers" includes: "absent, after divorce," "destructive qualities of," "spending limited time with children." "In our society, often we idealize and elevate the role of father in a boy's life without giving credence to the fact that actual fathers can be destructive and a boy may be better off without his father," she informs us. In Drexler's view (spoiler alert for Mr. Drexler), dadless boys are actually *better*, more sensitive and more "exceptional."

More ordinary "choice mothers," as many single women using AI now call themselves, are usually not openly hostile to fathers, but they

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boast a language of female empowerment that implicitly trivializes men's roles in children's lives. The term "choice mothers" frames AI as a matter of women's reproductive rights. Only the woman's decision making—or intention—carries moral weight. Similarly, advocates often cite the benefits of single motherhood's freedom from "donor interference." "Single moms avoid the need to discuss and negotiate around key parenting issues," one Toronto social worker told iParenting Media. "She can shape a child in her own unique vision."

And in the same choice-trumps-everything spirit, choice mothers emphasize that they *choose* their kids. All the planning and deliberation that they've got to go through to have children, they suggest, might make them better parents than those who just "breed." Their kids are "wanted children," observes sociologist Judith Stacey. The implication that sexual intercourse brings forth hordes of unwanted, unloved children, while AI produces a chosen elite, sometimes hangs in the air. It's a view that one of the pioneer choice mothers (though through adoption, not AI)—Joan "Mommy Dearest" Crawford—probably would have endorsed.

"Why not put three parents—or four—on the birth certificate? This past January, an Ontario court did just that."

Still, while there's very little research on AI families (and what there is suffers from size or design flaws), it's a good bet that most single women who go sperm shopping—and that includes lesbians—don't see themselves as you-go-girl! revolutionaries. On the contrary: their desires couldn't be more traditional. They want a baby. They long for a family. Like married women who set out to become pregnant, they're looking to feel needed, known, and rooted. In her recent book *Single by Chance, Mothers by Choice*, Rosanna Hertz found that most of her (non-lesbian) subjects had struggled for years to find husbands and start families before finally concluding that they had no choice but to go it alone.

Many mothers find that for all the magnificence of human intentionality and free choice, biology just won't go away. As they watch their children grow, they might notice an unfamiliar crooked smile or a musical talent when they have a tin ear. They wonder: Are these clues to the mystery man who is my child's father? They often try to flesh out an image of the human being from the sperm bank's description. Odd as it sounds, they may become attached, even romantically aroused—remember that they selected the donor because he sounded like the kind of man they might have wanted to marry. Plotz describes one mother who fantasized that she would "meet [the donor] serendipitously, fall madly in love, and he would become the father of his own children." Another keeps a picture of a man she believes is her child's donor by her bedside. Strangest of all is a *Washington Post* story about a Massachusetts mother of two who tracked down her children's father, donor #929 from the California Cryobank, in Los Angeles. After visiting him, she moved her family to L.A. and changed her kids' middle names to his surname.

For the children of single mothers, biology is also an unexpected and frequent visitor. Even Peggy Drexler can't ignore the little boy, conceived by anonymous donor, who points to a strange man on television and exclaims: "There's my daddy!" When her 15-year-old son wanted to track down his anonymous father, a Colorado woman named Wendy Kramer started the Donor Sibling Registry, a website that allows kids to search for other children of their donor fathers. More than 7,000 donor mothers and children have used the registry to try to locate half-siblings and sometimes fathers—close to 3,000 successfully.

True, not all donor children are keen on finding their fathers or siblings, just as not all

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adopted children set out to find their biological parents. Elizabeth Marquardt, at work on a book titled *My Daddy's Name Is Donor*, finds a wide range of responses, from indifference to curiosity to angry obsession, and those feelings often change over time.

Yet even if the numbers of those suffering from father hunger are relatively small, their plight is consistent with a powerful human theme explored by storytellers from Homer to George Lucas: the child's longing to know his father. On websites, unhappy donor kids are beginning to speak up. "I believe that it is a tragic turn for our society to celebrate fathers who intentionally disconnect themselves from their children," writes the proprietor of Whosedaughter.com. "I'm 18 and for most of my life, I haven't known half my origins," Katrina Clark wrote in a *Washington Post* op-ed this past fall. Donor conception has always been about making adults happy, not children, she continued. As a child, she found herself jealous of a friend whose parents were divorced; at least the girl got to visit her father.

Some choice mothers anticipate the mystery-man dilemma and decide to use a "known donor"—a former boyfriend, a partner's brother, or just an acquaintance—to avoid it. But the inherently ambiguous nature of the father's relationship with his children can still be a source of misery for women, their children, and, as in the Kansas case, for men. Consider Drexler's example of the eight-year-old who says to his lesbian mother: "I have no father." "Sure you do," she answers. "You have your dad"—who lives 250 miles away—"and you have Michael"—her very warm, loving brother, who's a terrific father figure. The child is not reassured. "I don't know my dad at all, and Michael's not my real father."

Marquardt describes AI and other reproductive technologies as presenting us with a competition between the rights of adults and the needs of children. Is there any question which is winning?

And what do the missing men—the donor/fathers—make of all this? Sperm bankers like to describe anonymous donors (who in reality are sperm *sellers*, it's important to remember) as altruists, and many of these men probably do believe that they're doing good deeds. But they're a little like the socialist who loves humanity but hates individual people. The donors are willing to perform acts of charity for women they've never met. But they don't want anything to do with what we used to call their own flesh and blood.

Ultimately, AI reinforces the worst that women fear in men. Think of all the complaints you hear: men can't commit, they're irresponsible, they're insensitive, they don't take care of the kids. By going to a sperm bank, women are unwittingly paying men to be exactly what they object to. Many donors are college students—some sperm banks accept donors as young as 18—responding to ads like the Fairfax Cryobank's: "Why not do it for money?" Sperm-bank officials say that many donors are married men who neglect to mention to their wives what they're up to. Plotz tracks down a number of the Nobel bank's donors and finds a motley crew of coldhearted rationalists, losers, and egotists—often serial donors he calls "the Inseminators." One is a sociopathic seducer with so many children, through girlfriends and sperm donation, that Plotz will only refer to the total number as "X." It appears to be higher than 50, the total ascribed to another sorry case, who, otherwise basically jobless, made masturbating his life's work over the course of 15 years.

Katrina Clark eventually found her father, but he's no candidate for Donor of the Year, either. "I'm tired of this whole sperm-donor thing," he tells her after several meetings. The young woman tries to put a good face on their encounter: "Now that he knows I exist, I'm okay if he doesn't care for me in the same way [that I care about him]. But I hope he at least thinks of me sometimes." There are many words to describe the father Katrina Clark finally discovered, but "altruistic" isn't one of them.

But why expect anything different? The very premise of AI is that, apart from their liquid DNA, we can will men out of children's lives. Insofar as their Y chromosome is significant, they are completely interchangeable with other "male

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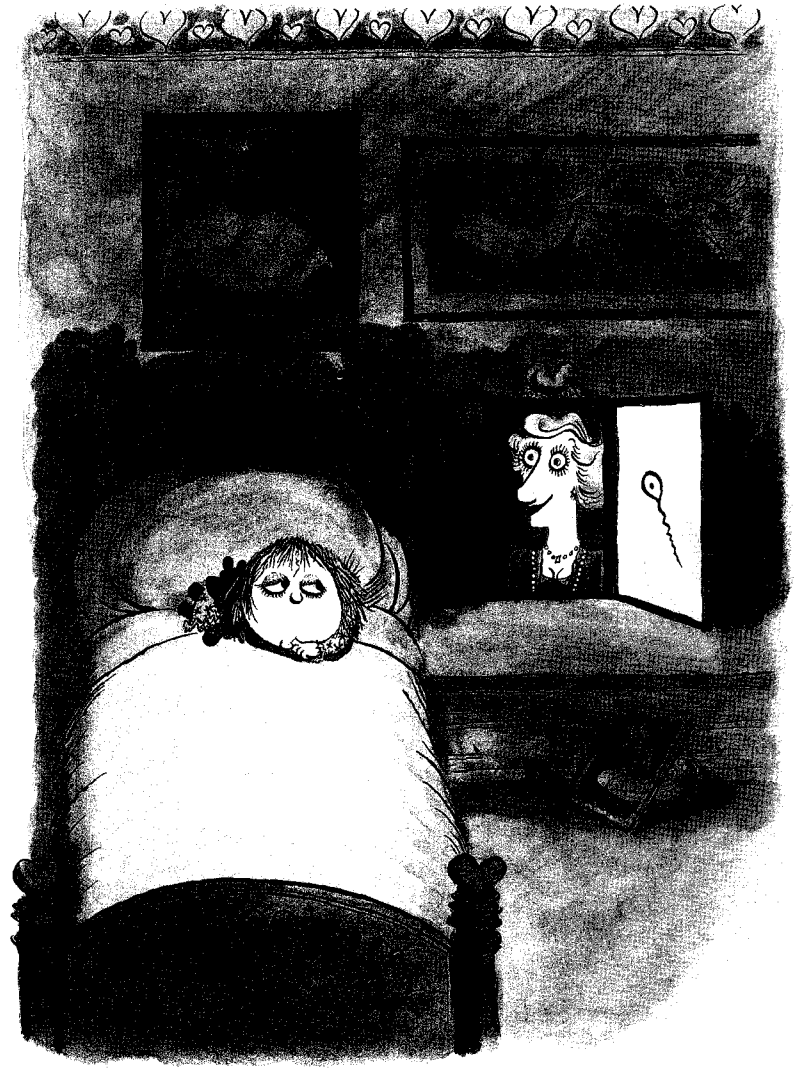
role models." To produce and rear the next generation, women are still a vital presence—at least until artificial wombs become part of the artificial-reproduction toolbox. But men?

Plotz meets only one donor who shows any feeling for the children he has produced. "This was what happened when a deliberate man with a pure soul became a sperm donor," he writes. "He had tracked his children because he felt he must." A known donor—partly because he's unlikely to agree to produce 20 or 30 children—is likelier to become attached to his kids, even if he thought he was just helping out a friend or if the initial contract had it that he was supposed to remain a relative stranger.



Recognizing that it's probably not a good idea for society to erect a wall between children and their fathers—and perhaps also not a good idea to encourage men to disown their kids—several Western countries have banned anonymous donation. Canada has made it illegal to pay someone for sperm. In Switzerland, the Netherlands, Sweden, and now Britain, donors must agree to be identified to their children once they reach 18. Unsurprisingly, the donor pool is drying up fast in some of these locales. Even countries with liberal laws on same-sex relationships, such as France, Iceland, and Norway, have banned AI (and, in some cases, adoption) for gays and singles. The contradiction is only superficial, a consequence of the way that we frame family making as primarily about adult rights and "intentionality." What these European laws suggest is that you can support gay relationships, yet still think that it's best for kids to grow up with a mother and father, preferably their own.

It would be a good idea for Americans likewise to abolish anonymous sperm donation. But let's not kid ourselves that such a ban would also put an end either to fatherlessness or to male fecklessness, both nourished by our cultural predilection for individual choice unconstrained by tradition, the needs of children, or nature itself. To modify that preference, we'll need something much more radical than government regulation.

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Save the Catholic Schools!

They work miracles with inner-city kids, but without help, their own future is uncertain.

Rice High School's Brother John Walderman (right), standing beneath a sign heralding the school's "countercultural message"

Photographs by Harvey Wang

Sol Stern

We almost lost Harlem's Rice High School a few years ago. And what a defeat that would have been for all New Yorkers, Catholic and non-Catholic alike. For the past three decades, Rice has rescued at-risk African-American boys and turned them into responsible men who go on to college and then give back to the community. Yet despite this academic success, Rice almost succumbed to the demographic changes and financial pressures

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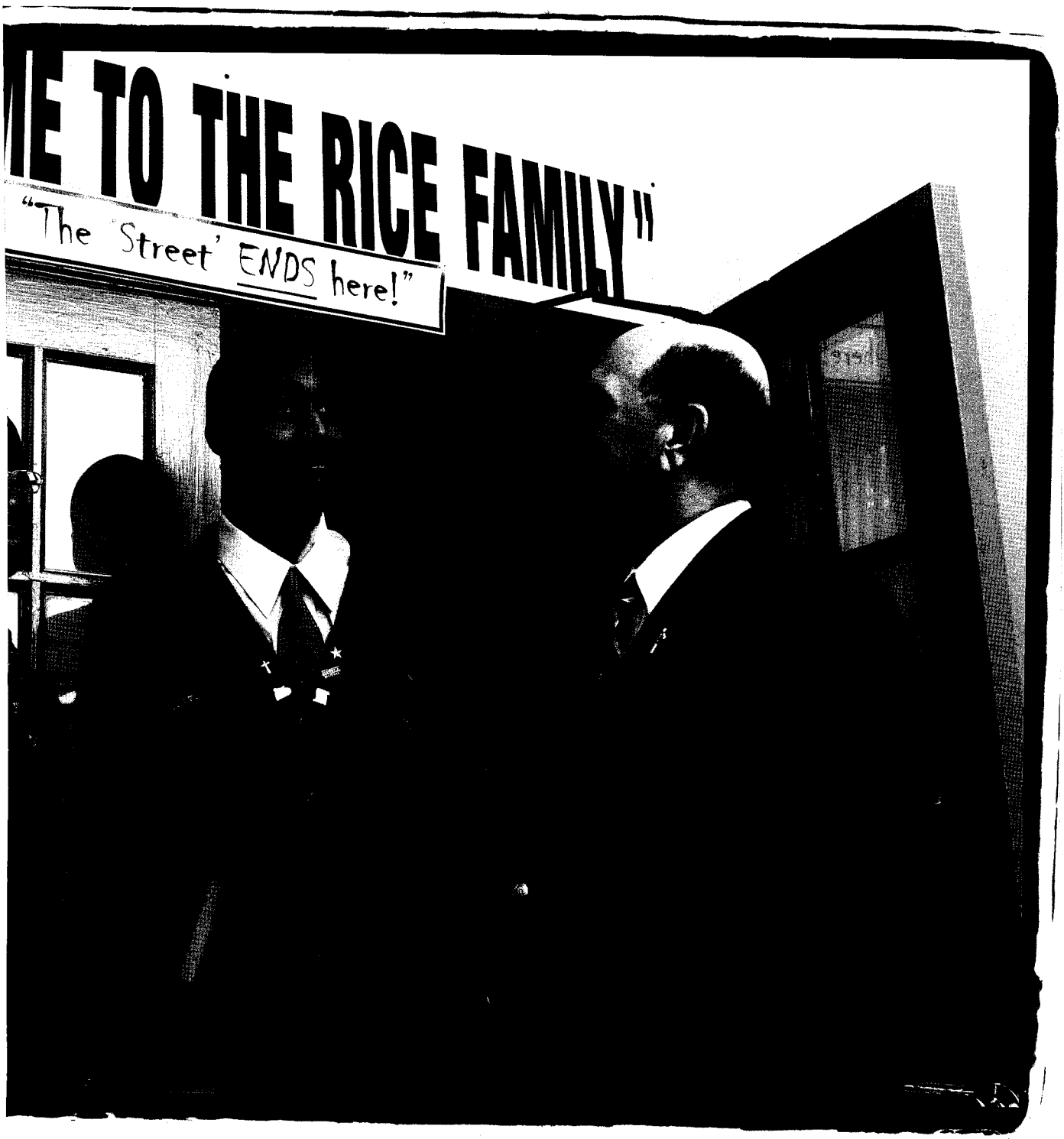

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that have led to the closing of thousands of excellent inner-city Catholic schools and needlessly deepened the nation's urban-education crisis.

It's hard to exaggerate the challenge that Rice and similar schools voluntarily take on. Survey after survey shows that young black males lead the nation in homicides, both as victims and perpetrators; have the highest rates of unemployment and incarceration; and lag behind every other racial, ethnic, and gender subgroup in academic achievement. That Rice High School accomplishes so much with its current student population transmits the hopeful message that the black-white academic achievement gap can narrow—and that we might, at last, overcome America's lingering race problem.

Located in a 110-year-old former YMCA building on the corner of 124th Street and Malcolm X Boulevard, Rice remained faithful to Harlem during the community's near-disintegration in the seventies and eighties. When working-class Italian and Irish Catholic families stopped sending their sons to Rice and left the city, the Christian Brothers teaching order, which had founded the school, decided not to leave with them. Instead, Rice's doors stayed open, more tuition scholarships somehow turned up, and poor minority kids (most of them non-Catholic) from the surrounding community and the South Bronx filled the seats. Rice has the highest proportion of black students—over 70 percent—of any Catholic high school in the city.

Rice advertises itself now as "Historic Harlem's Catholic College Prep School for Young Men." In fact, until a few years ago it was the *only* high school, public or private, in central Harlem. Recently, Harlem congressman Charles Rangel visited Rice and told a student assembly: "When I was growing up, Rice was a school for white people. Everything that was white left Harlem, except for Rice School. That's a tribute to the Brothers, who could have walked away."

Today, Harlem is experiencing what many are calling a "second Renaissance," though it's more economic than cultural. Walk the streets surrounding the battered old Rice building and you can almost see the money pouring into the neighborhood—sleek new storefronts sprouting along 125th Street, plus condo developments and renovated brownstones with price tags starting at seven figures. But now it's Rice that is counting its pennies, uncertain whether angels will keep showing up every September to cover the $300,000 operating deficit.

Two years ago, the school was on life support. Enrollment had plummeted from 400 students in 1999 to a bankruptcy-threatening low of 265. Rice's legendary principal of many years, black lay educator Orlando Gober, had passed away after working doggedly at the school while suffering from severe diabetes. His replacement didn't seem up to the current job description for an inner-city Catholic high school principal, who must be both an inspirational educational leader and an effective collector of alms.

The regional council of the Christian Brothers convened to review Rice's dire state. No one would have faulted the Brothers for acknowledging the bad news in the balance sheets and shutting the school down. The Catholic school closings that have become almost commonplace in inner-city communities across the country often result from less daunting economic circumstances.

But the order felt determined not to abandon Harlem—to find some way to keep the school going. Rice was special to the Christian Brothers, not least because it was approaching its 100th birthday and took its name from Edmund Rice, an eighteenth-century philanthropist who founded the order and dedicated his life to educating the Irish poor. Keeping Rice open fulfilled the Christian Brothers' Catholic understanding of social justice. As Catholic school leaders from New York to Milwaukee have told me: "We don't educate the poor because they are Catholic. We educate them because *we* are Catholic."

Starting with renowned sociologist James Coleman's 1982 report, studies galore have

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shown that Catholic schools do a better job of educating inner-city poor and minority children than do public schools with comparable student populations. Some scholars explain this "Catholic school advantage" by pointing to the sense of spiritual mission that pervades the schools. Others emphasize that Catholic schools focus their efforts, laser-like, on a no-frills, core academic curriculum, reinforce the teachers' classroom authority, and resist pernicious progressive-education fads, such as whole-language reading instruction.

Another explanation for the Catholic school advantage—perhaps the most powerful one—is school discipline. Above the doors leading to Rice's lobby through which all its students pass every morning, a plaque admonishes: "The 'Street' *ENDS* here!" The front-door message is Rice High School's alternative to the metal detectors in many of our public high schools. It's there thanks to Rice's Head of School, 61-year-old Brother John Walderman, a lifelong Christian Brothers educator whom the order picked to save Rice. Walderman seems to spend all his waking hours at this holy mission; he even lives in the school, sleeping in one of the order's residential units on the third floor. In his two years at Rice's helm, Walderman has managed to stop the hemorrhaging, though the school's condition is still precarious.

Walderman views the plaque's "countercultural message" as a commandment, one that needs strict enforcement for the school to fulfill its educational mission. At Rice, students must cast off the destructive street culture that undermines academic achievement for inner-city black youths and that marches unimpeded through the front doors of most urban public schools. Right at the outset, Walderman informs entering freshmen that they're in for a four-year grind of hard work and personal discipline, with no excuses accepted and no special dispensations given. Like boot-camp drill sergeants, Walderman and his aides relentlessly enforce the Rice ethos, day in, day out. There's a strict dress code; lateness and absences aren't tolerated; homework must come in on time. Violations trigger immediate consequences, such as detention or phone calls to parents. Disruptive classroom behavior, disrespect toward teachers, and violence against fellow students lead to suspensions, at a minimum. Expulsion is a final resort.

"At Rice, students must cast off the destructive street culture that marches unimpeded into urban public schools."

The cultural transformation that takes place at the school is "symbolized when Rice students swipe their do-rags from their heads as they step into the building," notes Patrick McCloskey, author of a moving book about Rice, forthcoming from the University of California Press. "The ritual is almost sacramental," he writes. "The young men lose their street swagger and transform into students not much different than their peers at suburban, predominantly white Catholic schools."

The high schools that most blacks in New York City attend may simply lack the will to keep the "street" out. But political correctness and "rights" restrictions imposed by the civil-liberties lobby and the courts get in the way of discipline, too. That's why, despite all the metal detectors and cops on hand, bedlam reigns at many urban public schools. The chaos alone is a sufficient explanation for the dismal four-year graduation rate for black males in such schools, which rarely tops 30 percent. A public high school principal who lifts the minority graduation rate above 50 percent will win accolades for his genius. If Rice's graduation rate ever dipped much beneath 90 percent, the school would consider itself a failure.

Still, Walderman starts each September with a pretty weak hand. Most of the entering ninth-graders are at least a year behind in reading and math. But he can't afford to be choosy: families aren't exactly beating down the doors to

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get their children into Rice, despite its reputation. And many of the students Rice does attract are dreaming of playing big-time high school basketball. Small as it is, Rice amazingly keeps producing winning teams and sending players to strong college programs; three Rice graduates have made it to the NBA.

The Rice counterculture was palpable when I visited on a cold day in February. No guards or metal detectors policed the school's entrance. The boys filed through the doors into the lobby, doffed their black down coats and hooded sweatshirts, and suddenly transformed into sharply dressed Rice men, with pressed slacks, oxford shirts, neckties, and green school vests, sometimes adorned with colorful pins signifying the school's numerous academic awards. When I went unannounced into classrooms, I encountered teachers standing at the front of the class and students working quietly at individual desks, aligned in straight rows. (This method of direct, teacher-centered instruction is, of course, anathema to progressive educators, but it surely works.) In the empty hallways, I could hear a pin drop: no teachers or other adults patrolled, and no students loitered.

It was Black History Month, and Walderman used the occasion to give the juniors an inspirational lecture about the challenges that they would confront in the next year and a half, as they headed into the college admissions process and toward graduation. Eighty or so black 17-year-olds moved into the school's cafeteria (which doubles as an auditorium) and arranged themselves quietly in rows facing Walderman at the lectern. His presentation brought to mind a pregame pep talk that Notre Dame football coaching legend Knute Rockne might have given to his team, but it also evoked the black civil rights struggle. "You are the rising seniors," he boomed, "next in line to carry on the tradition." Walderman implored the juniors not to let up—to pass the Regents exams in the five subjects that the state requires for graduating public school students and that Rice has voluntarily adopted as its own minimum standard. "The only place where success comes before work is in the dictionary," Walderman continued. "But some of you are still afraid of being successful. So keep telling yourself that you did not come here not to be the best." Then Walderman reminded the students about where they came from, and why it mattered: "This is Black History Month, but for you guys it is Black History Life. When you succeed here you are putting another nail in the coffin of racism."

After meeting with the juniors, Walderman sat down with me, noting that his Irish Catholic ancestors "were a mistreated minority in their own country. The highest form of mistreatment would be not to let these kids be successful." He handed me the program from last June's graduation ceremony at Saint Patrick's Cathedral. I counted 87 graduates, all but three listing next to their names the colleges that they would attend in the fall. Many Catholic high schools don't keep accurate graduation statistics, because the state doesn't require them to. When I pressed Walderman, though, he calculated the original cohort for the class of 2006 to be in the low 90s—making for a four-year graduation rate of close to 95 percent and a college admissions rate almost as high.

There was nothing preordained about a separate Catholic school system in the United States. Largely founded in mid-nineteenth-century New York by the city's first archbishop, John Hughes, the Catholic school movement sought to combat anti-Catholic discrimination and to lift up Irish immigrants from widespread social dysfunction and unspeakable poverty (see "How Dagger John Saved New York's Irish," Spring 1997).

The Catholic schools succeeded beyond anyone's wildest hopes. Little more than a century after Hughes's schools opened their doors, Catholics had become one of the wealthiest Christian denominations in the country and—as the election of John F. Kennedy symbolized—fully assimilated into the American mainstream. The sixties also saw the high-water mark of Catholic school expansion. In 1965, 13,300 Catholic schools dotted the country, enrolling

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5.6 million students—10 percent of all U.S. students in grades K–12. Almost all of them were practicing Catholics; roughly 50 percent of school-age Catholic kids attended parochial elementary schools.

But the Catholic community's very success was what precipitated the Catholic schools' long-term decline. Secure in the American mainstream, Catholics began to feel the tug of secularism and became less inclined to send their children to parochial schools. By 1995, the number of Catholic schools in the U.S. had fallen to 8,220, with a total enrollment of just 2.6 million students, though the overall Catholic population had almost doubled since 1965. Some leading Catholic intellectuals began to ask whether maintaining a separate school system had outlived its usefulness. Perhaps it would be better instead to direct resources into religious education programs and revitalizing parish life. And with many having no personal stake in Catholic education, American Catholics also became less likely to make financial contributions to keep the schools going.

"The actual per-pupil cost at Rice is $7,500, compared with $16,000 for the city public schools."

Despite American bishops' strong backing, the schools continue to struggle. The most recent figures from the National Catholic Education Association show national Catholic school enrollment at an all-time low of 2.3 million. The total number of Catholic schools is down to 7,500, and only 15 percent of Catholic children now attend parochial elementary schools.

The decline has reached crisis proportions in the urban centers, primarily in the Northeast and the Great Lakes region, where Catholic schools now valiantly try to do for poor black and Hispanic children what they once did for the Irish underclass and other white ethnics, long since departed from the cities. The full magnitude of the problem is apparent in Bishop Hughes's city. Gotham's two archdioceses—New York and Brooklyn—make headlines every year not for the considerable accomplishments of their schools but for their sorrowful announcements of more school closings.

Many of the black and Hispanic families who might want their children to fill the empty seats can't afford to pay. Average annual tuition at a New York City Catholic high school in 1965 was $400. Next year's bill at Rice will be $6,000—and that's one of the city's lower-priced Catholic high schools. The actual per-pupil cost at Rice is $7,500 (compared with $16,000 for the city public schools). The school scrambles each year to make up its funding deficit, sometimes with a plea to alumni, sometimes with a last-minute donation by one of the school's trustees.

At least one cause of the rising costs is well known. Until the mid-1960s, Catholic school faculties were predominantly teaching nuns, who received little or no pay. Today, almost all the teachers are lay, and most belong to teachers' unions. Their demands for higher salaries would be hard for the schools to ignore, even if the Catholic Church weren't bound by its own social-justice traditions to honor unions.

In New York, the schools are also feeling economic pressure from a public school monopoly that now has unheard-of sums of money to spend. In just the past three years, the city's education budget has swollen by $4 billion. Teacher salaries have risen 41 percent across the board in six years, passing the $100,000 top-salary threshold for the first time. Ten years ago, the gap between the city's top salaries for Catholic school teachers and public school teachers was around $28,000. It's now $50,000. Catholic schools find themselves stuck on a treadmill in which they either have to raise salaries even higher—and pass the costs on to students' families—or lose more teachers to the public schools.

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The public school monopoly is even winning the philanthropy race. As if next year's $19 billion New York City education budget weren't enough—and newly elected governor Eliot Spitzer promises to hike that over four years to at least $23 billion, meaning a per-pupil expenditure of $21,000—Mayor Michael Bloomberg and schools chancellor Joel Klein have run a major fund-raising drive that has brought in a whopping $400 million in philanthropic funds since 2002. Some of America's wealthiest people, including Eli Broad, Michael Dell, Bill Gates, and Mort Zuckerman, have made major contributions. Gates alone has given about $125 million to New York's public schools—enough to create an endowment that could have prevented most of the city's Catholic school closings over the past few years.

It's not that the Catholic schools can't draw on generous benefactors. Student Sponsor Partners, founded 20 years ago by investment banker Peter Flanigan (a *City Journal* publication committee member), gave poor minority kids $5.3 million in scholarships to attend New York City Catholic schools for the 2005–06 academic year, an all-time high for the group. Teddy Forstmann and the late John Walton have given hundreds of millions to the national Children's Scholarship Fund, which provides over $1.5 million annually to the city's Catholic schools. A new fund, the Patron's Program, will give those schools $7.5 million this year. But the total amount raised from all these sources in the past year is barely $40 million, far short of what it would take to stabilize the schools.

For the public school system, what drives the soliciting of millions of philanthropic dollars is appetite. For the Catholic schools, it is a question of hunger. In the gilded city, appetite is winning.

The vast majority of Rice's students graduate and go on to college.

In one sense, the public school spending spree makes an even stronger case for the Catholic school advantage. The Catholics are still outperforming their much richer public counterparts in test scores and graduation rates. But

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under the mayoral control of Mike Bloomberg, the public school system has proved indisputably better at public relations and marketing. Bloomberg has lots of taxpayer dollars to spend on a slick press operation, which has convinced most New Yorkers that exciting new options are now available in the public school system and that the schools have shown historic academic gains (even though test scores have been flat: see "City's Pupils Get More Hype than Hope," Winter 2006). By failing to analyze the public school test scores critically, while almost never reporting on the achievements of schools like Rice, the mainstream media have been complicit in this distortion. Meanwhile, the Archdiocese of New York's school system has a one-person PR office. How many potential customers are the Catholic schools losing because they can't compete with the public schools' well-oiled publicity machine?

But the Catholic schools' publicity deficit is a matter more of attitude than of lack of resources. Historically, Catholic school leaders have been reluctant to be seen as competitors with the public schools. They've been content to carry out their mission to educate poor children, assuming that if they built strong schools, the children would come. Clearly, that's a luxury that they can no longer afford.

I discussed this issue recently with the superintendent of schools for the New York archdiocese, Catherine Hickey. When Cardinal John O'Connor summoned Hickey from a Westchester high school principalship 18 years ago and made her the first woman ever to serve as a Catholic schools superintendent, he told her that her first task was to try to deal with a looming fiscal crisis. She can't recall any time since when she hasn't had to worry about declining enrollment and the dreaded prospect of closing schools. "Every September when we open the schools, we think it's a miracle," she says.

Hickey concedes that the Catholic leadership has been too hesitant about making the case for their schools and fighting in the public arena for government aid. "We have done a very poor job of marketing our schools, even in our own community," she says. "We didn't do it for years, but we are beginning to do that now." Why isn't she trumpeting her schools' scores on the same state tests that students in the public schools take? After all, on the fourth- and eighth-grade reading and math tests, the Catholic school scores consistently run about 7 to 10 percentage points higher than those of the public schools; surely a press conference would be in order. "No one would come," Hickey responds. She's speaking partly in jest, but her comment reflects the media indifference that Catholic schools must overcome to compete effectively in the new education marketplace.

"We haven't been able to make the case to the larger community," agrees Michael Guerra, the recently retired president of the National Catholic Education Association and one of the shrewdest commentators on the history of the Catholic school movement. "The church sometimes thinks there's a funny smell to the market," he adds.

In the past three years, three elite Catholic institutions—Boston College, Georgetown University, and the University of Notre Dame—have hosted major conferences on the condition of the Catholic elementary and high schools. There was no attempt to sugarcoat the depressing numbers on school closings or enrollment decline, and what that trend portended for the future of Catholic schooling. The Notre Dame conference report noted the widespread belief that "the glory days of Catholic schools have passed. The religious are almost gone. Pastors are overwhelmed. Mass attendance is down. So are collections. Faculty salaries are still too low. Costs and tuition are rising. Enrollments are declining. So goes the litany."

While acknowledging the problems, the meetings also focused on the most promising strategies for renewal, such as rethinking the structures that link Catholic schools to parishes and dioceses. This is particularly pressing for inner-city elementary schools, much harder hit than the high schools by enrollment declines. Father Joseph O'Keefe, dean of the Boston College School of Education and the organizer of the Boston confab, summed up the reform proposals with a paradoxical thought: "The strength of the

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Catholic schools has been their autonomy. The weakness of Catholic schools is their autonomy." Autonomy, he explains, gave Catholic school principals the freedom to innovate without concern about bureaucratic meddling. But now, with financial pressures mounting, Catholic principals need to band together for survival, seek economies of scale, consult with other principals on best practices, and pool fund-raising strategies. They won't weather the coming storms unless they collaborate.

Internal reform efforts are already under way in several cities, most encouragingly in Washington, D.C., where Catholic schools hit rock bottom in 1999. That year, a committee appointed by Cardinal James Hickey (no relation to Catherine) looked into the condition of 16 of the diocese's most financially and academically troubled schools. The committee recommended closing down eight of the schools completely and consolidating the rest into four sites. But Hickey refused to accept what would have been a humiliating defeat for the archdiocese, and instead charged the committee with coming up with a rescue plan.

What eventually emerged was the Center City Consortium, presently led by innovative Catholic educator Mary Anne Stanton. Fourteen of the troubled schools are now in the consortium, in effect forming a new school district. The consortium's central office coordinates fund-raising, financial planning, and collecting tuition. Stanton brought in research-backed instructional curricula, including the phonics-based Open Court reading program and Saxon Math, which emphasizes fundamental skills. The consortium also took over professional development and teacher retraining. It then developed a public-relations arm and got the word out that good things were happening in the school district. Recently, the *Washington Post* reported on the consortium schools' amazing five-year academic and fiscal turnaround.

"Inner-city schools like Rice are now on the brink. They need something more from Congressman Rangel than public kudos."

Inner-city Catholic schools around the country should take a lesson from Washington, D.C., and do much more to reform old habits. Ultimately, however, the Catholic community alone may not be able to solve its schools' problems. "It's an open question whether inner-city Catholic schools are viable without vouchers or other forms of government aid," acknowledges Guerra. The consortium schools, it's important to note, received a substantial financial boost in 2004, when Congress passed a limited school-voucher bill for the District of Columbia. The bill allowed 400 poor students from failing D.C. public schools to transfer into the consortium schools, with vouchers paying full tuition.

It's almost fashionable these days for politicians to acknowledge Catholic schools' history of lifesaving work with poor children. But inner-city schools like Rice High School are now on the brink. They need something more from Congressman Rangel than public kudos for staying in Harlem. The powerful chairman of the House Ways and Means Committee can surely find some creative ways and means to begin paying back the debt. And Governor Spitzer, who has similarly praised parochial schools, can surely do better than his proposed $1,000 tax deduction for private school tuition, worth nothing to the poor minority parents desperately trying to find the means to get their kids a Catholic school education.

For 150 years, America's Catholic schools have helped turn millions of disadvantaged children into responsible, productive citizens, thereby contributing mightily to the public good. Now that serious obstacles are slowing them, will the public—either philanthropists or government—help them stay in the race?

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The Media Cornucopia

It's a Golden Age of media—but not for long, if the Left has its way.

Adam D. Thierer

Throughout most of history, humans lived in a state of extreme information poverty. News traveled slowly, field to field, village to village. Even with the printing press's advent, information spread at a snail's pace. Few knew how to find printed materials, assuming that they even knew how to read. Today, by contrast, we live in a world of unprecedented media abundance that once would have been the stuff of science-fiction novels. We can increasingly obtain and consume whatever media we want, wherever and whenever we want: television, radio, newspapers, magazines, and the bewildering variety of material available on the Internet.

This media cornucopia is a wonderful development for a free society—or so you'd think. But today's media universe has fierce detractors, and nowhere more vehemently than on the left. Their criticisms seem contradictory. Some, such as Democratic congressman Dennis Kucinich, contend that real media choices, information sources included, remain scarce, hindering citizens from fully participating in a deliberative democracy. Others argue that we have too *many* media choices, making it hard to share common thoughts or feelings; democracy, community itself, again loses out.

Graphs by Alberto Mena

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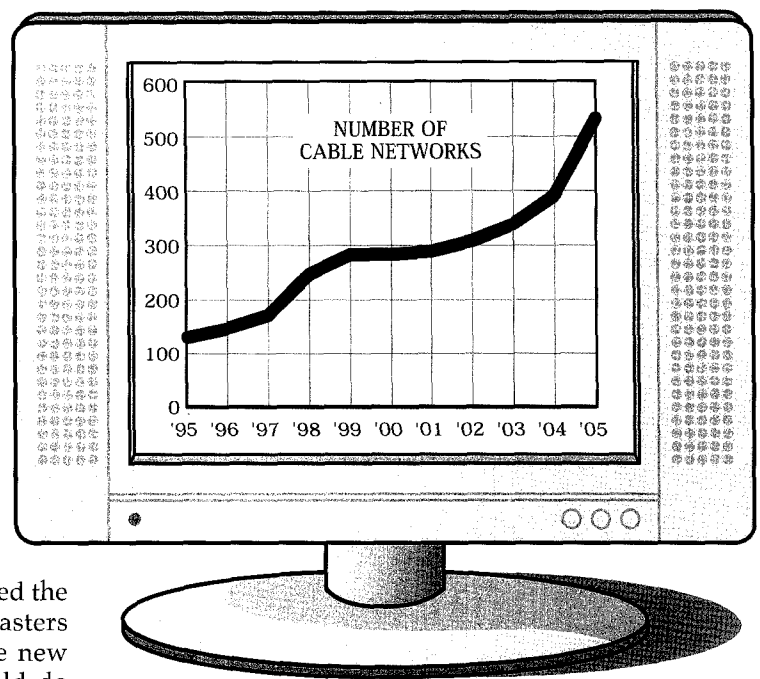
Both liberal views get the story disastrously wrong. If either prevails, what's shaping up to be America's Golden Age of media could be over soon.

Back in 2003, a somewhat free-market-minded Federal Communications Commission, chaired by Republican Michael Powell, proposed to revise the arcane policies governing media ownership, which, among other things, limit how many newspapers, television stations, or radio stations a single entity can own in each community. "Americans today have more media choices, more sources of news and information, and more varied entertainment programming available to them than ever before," the FCC observed. Allowing slightly more cross-ownership, it reasoned, would simply clear out the regulatory deadwood that artificially limited the ability of older media operators (broadcasters and newspapers) to compete with all the new media alternatives. Such a measure would do nothing to harm media multiplicity.

Despite the moderate nature of the FCC's proposal, all hell broke loose on the left, and things haven't really died down since. In congressional debates, Democratic lawmakers warned apocalyptically of the horrors that the FCC's proposed reform would unleash. Representative Edward Markey of Massachusetts—mentioning *Citizen Kane* but clearly thinking of Rupert Murdoch, whose FOX News and other media outlets have won a big audience for conservative views—implied that a few all-powerful media tycoons could soon run the world. California congresswoman Lynn Woolsey accused the FCC of trying to impose a centralized "Saddam-style information system in the United States." Not to be outdone, New York's Maurice Hinchey saw the new rules as a GOP-led "mind control" project. "It's a well-thought-out and planned effort to control the political process," he said. "It will wipe out our democracy." Then–Democratic presidential candidate Howard Dean said that he'd break up Murdoch's media empire "on ideological grounds."

THE STAGGERING RISE OF MEDIA CHOICES TO WATCH,...



SOURCES: NATIONAL CABLE & TELECOMMUNICATIONS ASSOCIATION; FEDERAL COMMUNICATIONS COMMISSION

The circus-like "town hall meetings" that followed proved even more overheated. Pushed by Democratic FCC commissioners and organized by MoveOn.org, Free Press, and other leftist advocacy groups, these sessions gave anyone with a gripe against a media company a chance to vent. Some grumbled that TV and radio featured too much religious programming; others argued that there wasn't enough. Everyone said that local radio broadcast nothing but garbage—but everyone defined garbage differently. And many aired long lists of complaints about the multiple radio stations, television channels, and newspapers in their areas, only to conclude that their local media markets were insufficiently competitive!

The critics did agree on one thing: government had to take steps to reverse our current media predicament—whatever it was. A variety of advocacy groups then took the FCC to court and got the Third Circuit Court of Appeals to put the whole media ownership revision on hold.

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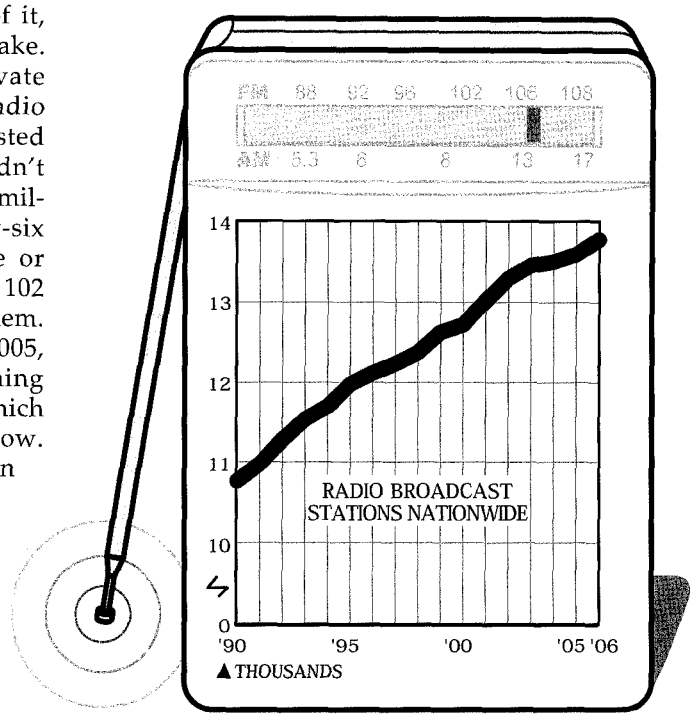
Most participants in the meetings fell into the scarcity-obsessed camp. On the face of it, the scarcity critics have a tough case to make. According to FCC data and various private reports, America boasts close to 14,000 radio stations today, double the number that existed in 1970. Satellite radio—an industry that didn't even exist before 2001—claimed roughly 13 million subscribers nationwide by 2007. Eighty-six percent of households subscribe to cable or satellite TV today, receiving an average of 102 channels of the more than 500 available to them. There were 18,267 magazines produced in 2005, up from 14,302 in 1993. The only declining media sector is the newspaper business, which has seen circulation erode for many years now. But that's largely a result of the competition that it faces from other outlets.

Throw the Internet into the mix and you get dizzy. The Internet Systems Consortium reports that the number of Internet host computers—computers or servers that allow people to post content on the Web—has grown from just 235 in 1982 to 1.3 million in 1993 to roughly 400 million in 2006. At the beginning of 2007, the blog-tracking service Technorati counted over 66 million blogs, with more than 175,000 new ones created daily. Bloggers update their sites "to the tune of over 1.6 million posts per day, or over 18 updates a second," according to Technorati.

But the scarcity critics have a rejoinder: the apparent diversity isn't real, because a handful of media barons—hell-bent on force-feeding us their politically reactionary pabulum and commercial messages—control most of it (even before any FCC ownership rule changes). "You can literally say you actually have more voices, but they are the same voices increasingly," says *New Yorker* media writer Ken Auletta. Even the Internet isn't what it's cracked up to be. The Consumer Federation of America's Mark Cooper, author of *Media Ownership and Democracy in the Digital Information Age*, lambastes the Internet for failing to serve "the public interest," for being too commercial, for not helping local communities, for hurting deliberative democracy, and for failing to enhance citizens' ability "to define themselves and their place in everyday life." Who knew that the Internet was so harmful to modern society?

...TO LISTEN TO,...



SOURCE: FEDERAL COMMUNICATIONS COMMISSION

It's all nonsense, starting with the notion that a tiny group has a stranglehold on the media. A 2002 FCC survey of ten media markets—from the largest (New York City) to the smallest (Altoona, Pennsylvania)—showed that each had more outlets and owners in 2000 than in 1960. And the FCC counted all of a market's cable channels as a single outlet (even though the typical viewer would regard each channel as a distinct one) and didn't include national newspapers or Internet sites as media sources, so the diversity picture was even brighter than it seemed.

Nor do Americans lack a rich variety of "voices" in the media. Each new commercial media outlet must provide something at least slightly different from its rivals. If every book, magazine, TV channel, radio program, and website

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really said the same thing, citizens wouldn't bother consuming any more than one or two of them. We simply wouldn't have the media abundance that we enjoy today.

Becoming an informed citizen has never been easier. You can get up in the morning and still read your (probably liberal) local paper and several national ones—say, the *Wall Street Journal* (right-of-center editorial page) and *USA Today* (more or less centrist). Walk to the newsstand and you've got political magazines galore, from the Marxist *New Left Review* to the paleoconservative *The American Conservative*. On cable and satellite television: CNN, MSNBC, CNBC, FOX News, PBS, local news, the big networks (at least for now), the BBC, C-SPAN, community access shows—all offer a wide variety of news and information options, some around the clock. Turn on the car radio and Rush Limbaugh or Sean Hannity booms out at you from the right; or maybe you can tune in to Sirius Left on satellite.

"The Internet has done more to create the sort of media that scarcity critics claim to desire than any other technology."

The Internet has done more to create the sort of media that scarcity critics claim to desire than any other technology. Every man, woman, and child can have a "newspaper" or broadcast outlet today—it's called a website, blog, or podcast. It's hard to imagine how the political blogosphere could be more diverse, ranging from the Daily Kos and the Huffington Post on the left to National Review Online and Power Line on the right to Andrew Sullivan, Instapundit, and Buzz Machine somewhere in between. A political junkie must hustle to keep up with what RealClearPolitics posts on its site every day.

The same breathtaking abundance characterizes entertainment and lifestyle media, which now provide something for every interest under the sun. Consider a truly eclectic person—a lesbian feminist African-American who likes to hunt on weekends and has a passion for country music. Would the "mainstream media" of 25 years ago have represented any of her interests? Unlikely. Today, though, this woman can program her TiVo to record her favorite shows on Black Entertainment Television, Logo (a gay/lesbian-oriented cable channel), Oxygen (female-targeted programming), the Outdoor Life Network, and Country Music Television. "We've gone from a few programmers in New York and Los Angeles deciding what people will watch to the people themselves voting with their remote controls every night, really every minute, on what they want," says David Westin, president of ABC News. And that's just television.

The liberal scarcity worrywarts thus ignore a recent history of stunning technological innovation and marketplace evolution that has made us as information-rich as any society in history. But this is where a second group of leftist media critics enters the picture.

"What information consumes is rather obvious," Nobel Prize–winning economist and psychologist Herbert Simon remarked in 1971: "the attention of its recipients. Hence a wealth of information creates a poverty of attention, and a need to allocate that attention efficiently among the overabundance of information sources that might consume it." Thirty-six years later, confronting a "wealth of information" that Simon could never have imagined, a growing group of left-wing critics warns about its destructive consequences. The titles of recent books by Todd Gitlin and Barry Schwartz—*Media Unlimited: How the Torrent of Images and Sounds Overwhelms Our Lives* and *The Paradox of Choice: Why More Is Less*, respectively—capture the anxiety felt by these opponents of media multiplicity. It's just too much.

Yet even if one concedes that the number of media choices can be daunting, notes *Wired* magazine editor Chris Anderson, the market is responding. In his 2006 bestseller, *The Long Tail*, Anderson celebrates the explosion of information-sorting intermediaries and filtering tools

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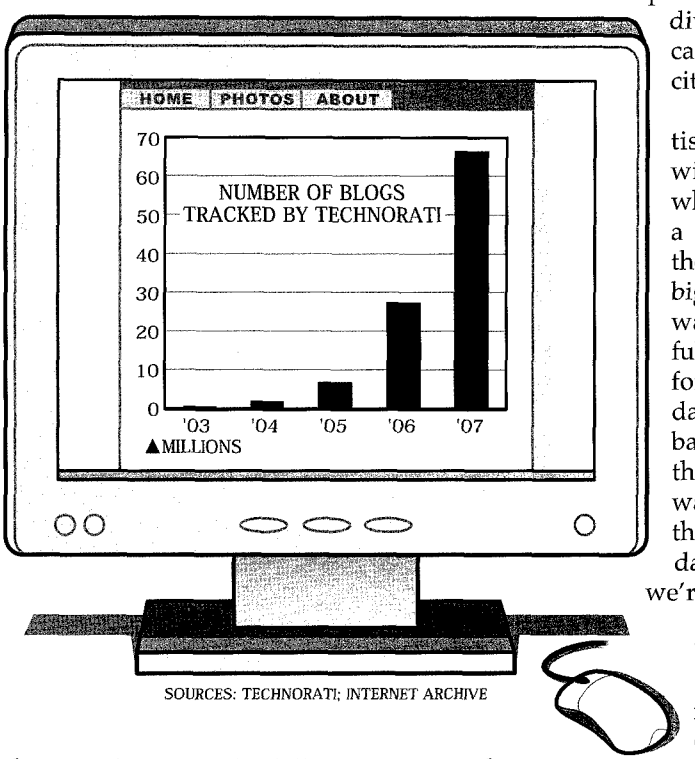
...AND TO READ



SOURCES: TECHNORATI; INTERNET ARCHIVE

that enable us to take full advantage of the media cornucopia. Google, Netflix, Amazon.com, iTunes, or, for political information, Huffington Post and RealClearPolitics are just a few examples. "These technologies and services sift through a vast array of choices to present you with the ones that are most right for you," Anderson points out.

But according to one of the most influential abundance-is-bad media critics, liberal law professor Cass Sunstein, Anderson's filters only make things worse. In his 2001 book *Republic.com*, Sunstein notes that the hyper-customization of specialized websites and online technologies enables Americans to create a highly personalized information retrieval service—a "Daily Me," he calls it, using a term coined by technology theorist Nicholas Negroponte. But whereas Negroponte, like Anderson, welcomes the filtering and specialization as a liberating break from traditional, force-fed media, Sunstein believes that they cause extreme social fragmentation, isolation, and alienation, and could lead to political extremism. "A system of limitless individual choices, with respect to communications, is not necessarily in the interest of citizenship and self-government," he writes.

Schwartz echoes the point, fearing the antisocial effects of media offering "choice without boundaries." "In a decade or so, when [TiVos] are in everybody's home, it's a good bet that when folks gather around the watercooler to discuss the last night's big TV events, no two of them will have watched the same shows," he writes ruefully. Similarly, Bill Carrick, a media advisor for former Democratic presidential candidate Richard Gephardt, complained a while back to the *Washington Post* that the rise of the Internet, cable, and other new media was making it hard for politicians to reach the masses with campaign messages. "The danger for democracy," he asserted, "is that we're losing the universal campfire."

When Sunstein and other liberal information-overload critics bemoan the loss of a "universal campfire" or shared watercooler experiences, they're implicitly making the point that we were better off when just a few media outlets existed. Some even openly wax nostalgic about a supposed Golden Age of newspapers, radio, and television, when apparently we were less distracted, better informed, and enjoyed a better sense of community. This Norman Rockwell view is far more myth than reality. Was American democracy really better off when William Randolph Hearst dominated the newspaper business, or when the Big Three television networks brought us the news at a set time each night? And was community really stronger when everyone talked about the same things around the nation's watercoolers every day, as opposed to different things?

In truth, one can make a strong case that the new media—and the Internet, above all—are facilitating a more rigorous deliberative democracy and a richer sense of community. "In modern American political history, perhaps only the coming of the television age has had as big an

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impact on our national elections as the Internet has," observes Raul Fernandez, chief executive of the software firm ObjectVideo. "But the effect of the Internet may be better for the long-term health of our democracy. For while TV emphasizes perception, control, and centralization, Internet-driven politics is about transparency, distribution of effort, and, most important, empowerment and participation—at whatever level of engagement the consumer wants." As for community, "the Digital Age hasn't mechanized humanity and isolated people in a sterile world of machines," believes Richard Saul Wurman, author of *Information Anxiety*. The Internet, he points out, has enabled people across the globe to band together and communicate in ways previously unimaginable.

"Was our democracy really better off when the Big Three TV networks brought us the news at a set time each night?"

What unifies the two schools of leftist media criticism, beneath their apparent opposition, is pure elitism. Media abundance (which the scarcity critics must implausibly wave away as a mirage) has meant more room for right-of-center viewpoints that, while popular with many Americans, the critics find completely unacceptable. The fact that Bill O'Reilly gets better ratings than Bill Moyers perturbs them to no end. It's just not fair!

Both liberal groups would love to put their thumbs on the scale and tilt the media in their preferred direction. Scarcity-obsessed Dennis Kucinich has recently introduced plans in Congress to revive the Fairness Doctrine, which once let government regulators police the airwaves to ensure a balancing of viewpoints, however that's defined. A new Fairness Doctrine would affect most directly opinion-based talk radio, a medium that just happens to be dominated by conservatives. If a station wanted to run William Bennett's show under such a regime, they might now have to broadcast wa left-wing alternative, too, even if it had poor ratings, which generally has been the case with liberal talk. Sunstein also proposes a kind of speech redistributionism. For the Internet, he suggests that regulators could impose "electronic sidewalks" on partisan websites (the National Rifle Association's, say), forcing them to link to opposing views. The practical problems of implementing this program would be forbidding, even if it somehow proved constitutional. How many links to opposing views would secure the government's approval? The FCC would need an army of media regulators (much as China has today) to monitor the millions of webpages, blogs, and social-networking sites and keep them in line.

That leftist media critics start sounding so authoritarian is no surprise. In a media cornucopia, freedom of choice inevitably yields media inequality. "In systems where many people are free to choose between many options, a small subset of the whole will get a disproportionate amount of traffic (or attention, or income), even if no members of the system actively work towards such an outcome," writes Clay Shirky of New York University's Interactive Telecommunications Program. Overcoming that inequality would require a completely regulated media.

When Rush Limbaugh has more listeners than NPR, or Tom Clancy sells more books than Noam Chomsky, or *Motor Trend* gets more subscribers than *Mother Jones*, liberals want to convince us (or themselves, perhaps) that it's all because of some catastrophic market failure or a grand corporate conspiracy to dumb down the masses. In reality, it's just the result of consumer choice. All the opinions that the Left's media critics favor are now readily available to us via multiple platforms. But that's not good enough, it seems: they won't rest until all of us are watching, reading, and listening to the content that they prefer.

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Reading the Constitution Right

Clarence Thomas's fidelity to our founding documents is making its mark on the Supreme Court.

Stephen B. Presser

In 1991, George H. W. Bush nominated 43-year-old court of appeals judge Clarence Thomas, who had been on the bench only 19 months, for a seat on the Supreme Court. The president declared that "race played no part in his selection," but the statement was hard to believe. After all, Thomas would replace Thurgood Marshall, the first African-American on the Court. Almost everyone assumed that Bush had caved to political pressure to reserve a black seat on the Court, and filled it with one of the few black conservatives on the bench.

Liberals immediately launched withering attacks on Thomas's fitness for the highest court. The dean of the University of Chicago's law school, eminent civil libertarian Geoffrey Stone, echoed the legal academy's general opinion when he said: "I think, in all candor, [Thomas] fairly could be labeled 'strange.' Not in terms of right or wrong, but in being further outside the mainstream of constitutional interpretation than Bork"—Supreme Court nominee Robert Bork, that is, whose nomination Senate Democrats had shot down in 1987. Black leaders, despising Thomas's political views, were particularly harsh, calling the nominee a "chicken-and-biscuit-eating Uncle Tom," a "virulent Oreo phenomenon," and an "assassin," among other vicious insults. But even conservatives were dubious.

Then, as everyone knows, Thomas's former employee, Anita Hill, brought eleventh-hour accusations of sexual harassment against him, testifying before a special Senate hearing in what the nominee dubbed a "high-tech lynching." The Hill fiasco nearly derailed Thomas's seat on the Court, with many Americans questioning his honesty. The Senate eventually confirmed him in a 52–48 vote—the smallest margin for any Supreme Court justice in a century.

What's interesting, and perhaps surprising, is that, 16 Court terms later, Thomas has quietly proved himself to be a serious constitutional thinker, who displays—for those sympathetic with his conservative jurisprudence, anyway—both great independence and considerable wisdom. Thomas forcefully rejects the notion, long favored by liberals, that the Constitution is a "living document" and that Supreme Court justices should creatively adjust the meaning of its terms to afford more protection to minorities, to invent such unenumerated rights as the "right to privacy," and in general to promote "progressive" ends that the Left can't seem to win at the ballot box. Instead, he has become the Court's most persuasive exponent of "originalism"—the view that justices should interpret the Constitution as meaning what it did to those who read the document when it was framed. Since originalism is the jurisprudence most compatible with our republican form of government and the intentions of the Founding Fathers, it's looking as though the first President Bush got it right after

Justice Thomas's thoughtful jurisprudence, which angers his liberal critics, . . .

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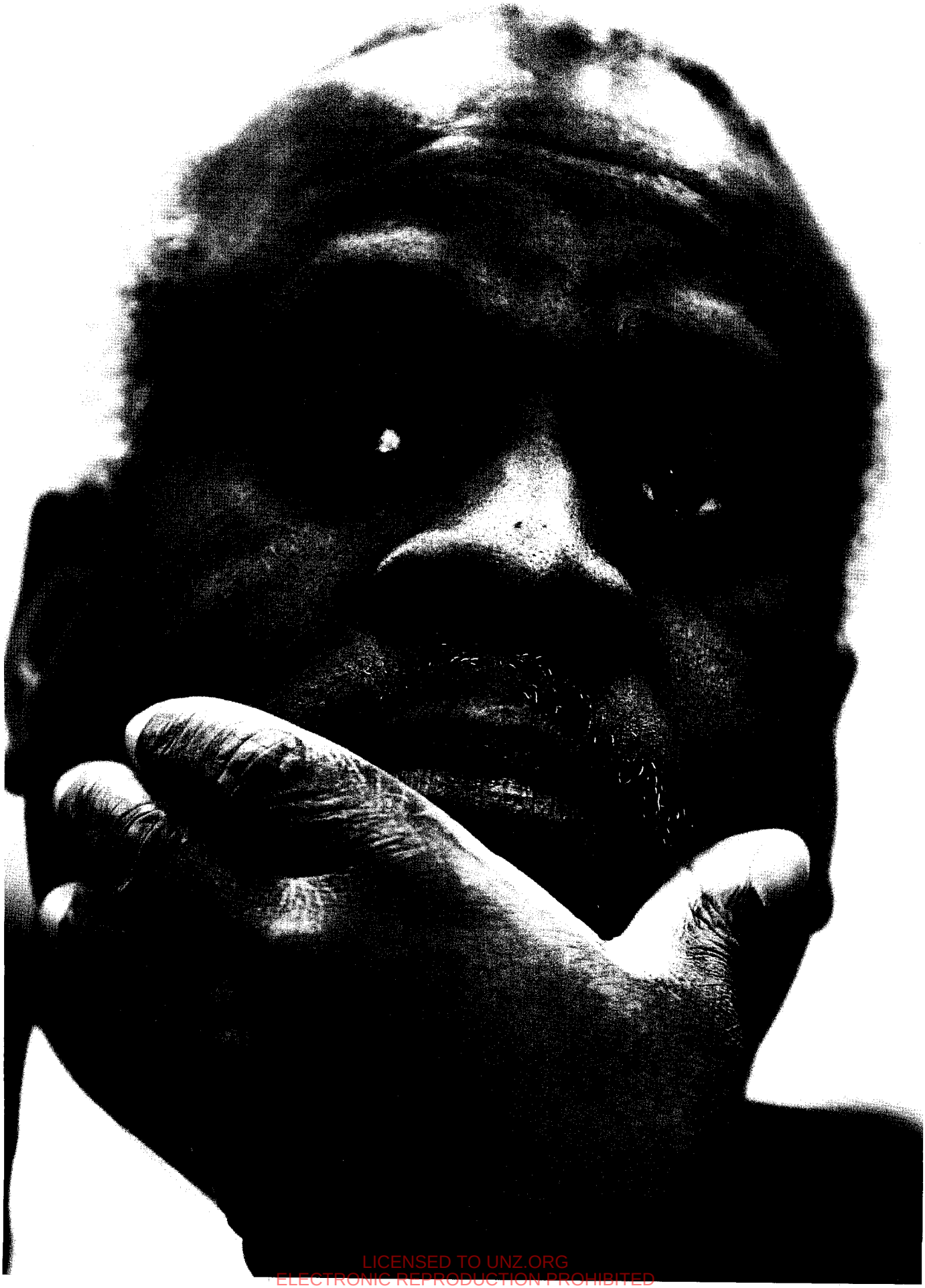

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all when he declared, upon nominating Thomas, that he was "the best man for the job."

Such a favorable view of Thomas is relatively new. With the exception of a few evenhanded works such as Scott Gerber's 1998 *First Principles*, which praised Thomas as a dedicated champion of the Constitution and the Declaration of Independence, most assessments of Thomas tended to be much more critical than favorable. Then two books came along that convincingly argued both that Anita Hill had fabricated her charges and that Thomas was anything but in over his head as a justice: attorney and author Andrew Peyton Thomas's *Clarence Thomas: A Biography*, in 2001; and *Atlanta Journal-Constitution* reporter Ken Foskett's *Judging Thomas: The Life and Times of Clarence Thomas*, in 2004.

The books also told the compelling story of Thomas's rise from poverty. His taciturn grandfather, Myers Anderson, had abandoned Thomas's mother when she was a small child, and initially, he wanted nothing to do with young Clarence or his brother. But when Thomas's mother married a man who didn't want the boys around, Thomas's step-grandmother persuaded Anderson to take the boys in, and he raised them, reluctantly, in the small town of Pin Point, Georgia. Anderson did, in his aloof way, come to cherish his grandsons, though he made them work backbreaking hours in his fuel oil and cinderblock business and on his farm. By the time Thomas entered high school, a segregated Catholic academy in Savannah, he and his brother had learned self-reliance, as well as how to build houses, plant crops, fix machines, and string fences. From this hardscrabble background—where he grew up speaking "Gullah," or "Geechee," a southern African-American Creole blend of African languages and Elizabethan English—Thomas made his way to a Missouri Catholic seminary, Holy Cross College, and Yale Law School, shedding Gullah along the way.

Thomas credits his grandfather and the Savannah nuns with everything that he has since achieved, and it does seem that he acquired from them the rock-ribbed fortitude, the energy, and the thick skin that have enabled him to ignore his critics and to revel in his work on the Court. That's certainly a more plausible psychological inference than one finds in Kevin Merida and Michael Fletcher's recent *Supreme Discomfort*, which regards Thomas's conservative jurisprudence as "payback" for the liberals who tried to "Bork" him.

When Thomas took his seat on the Court, Justice Byron White gave him some advice about how to respond to the views of his new colleagues: "Don't change your mind unless you're truly persuaded."

Thomas paid attention, showing his fierce independent streak in one of his first cases, *Hudson* v. *McMillan* (1992). The suit involved a black Louisiana prisoner named Keith Hudson. Guards had beaten him as a supervisor looked on, telling them not "to have too much fun," leaving the inmate with "a cracked lip, a broken dental plate, loosened teeth, and cuts and bruises," according to Hudson's testimony. Hudson brought a civil rights claim, arguing that he had suffered "cruel and unusual punishment," which the Eighth Amendment prohibits. In conference, eight of the Court's nine justices agreed.

Thomas dissented, urging that Hudson's injuries were actually "minor" and that the Constitution's "cruel and unusual" language, correctly understood as the framers did, ought to be limited, at a minimum, to significant injury. "In my view," he explained, "a use of force that causes only insignificant harm to a prisoner may be immoral, it may be tortious, it may be criminal, and it may even be remediable under other provisions of the Federal Constitution, but it is not 'cruel and unusual punishment.'" Further, Thomas pointed out, the Eighth Amendment originally referred to the sentence meted out at trial, not to the incarceration conditions that followed. Any decision to abandon these historical understandings should be up to the people, acting through legislation or constitutional amendment, not to the unelected members of the Court.

Thomas's dissent audaciously countered the Court's dominant criminal jurisprudence over

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the last four decades, which has freely expanded the meaning and scope of "cruel and unusual"—for example, ruling that it prohibits imposing the death penalty on juveniles or the mentally impaired. Only Antonin Scalia agreed with him, and Hudson won the case by a 7–2 vote. The episode earned Thomas a memorable sobriquet from the *New York Times*: "the youngest, cruelest justice."

Despite Thomas's willingness to go against the grain, critics have often charged that he is subservient to the man the *Times* calls his "mentor": fellow originalist Scalia. And it's true that Thomas concurs more often with Scalia than with any other justice. In one of his lighter moments, he mused that Scalia must have implanted a chip in his brain to control his jurisprudence. But Thomas is no Scalia clone; in fact, he's even more committed to originalism than is the elder justice. Scalia, for instance, has said that he might temper his originalism to accommodate long-standing Court precedent. Thomas believes that, when given the chance, the Court should right its past errors—even if it means overturning "settled" law.

"Thomas believes that the Court should right its past errors—even if it means overturning 'settled' law."

Fittingly, Thomas has emerged as a muscular proponent of states' rights, again countering decades' worth of constitutional law, which has cut back on state power and signed off on a massive expansion of the federal government. Thomas makes clear that, for him, the "ultimate source of the Constitution's authority is the consent of the people of each individual State, not the consent of the undifferentiated people of the Nation as a whole." This "compact" theory of the Constitution has a tricky history. Jefferson and Madison—the father of the Constitution himself—adopted it in the crisis of the late 1790s; so did the Southern states when they withdrew from the Union. It's a controversial idea, to say the least, and it flies in the face not only of much modern legal theory but also of the views of some nineteenth-century jurists, including Supreme Court justice Joseph Story, in his celebrated and influential 1833 *Commentaries on the Constitution*.

Equally boldly, and again in accordance with his views of the primacy of state power, Thomas argues that modern jurisprudence "fundamentally misunderstands"—"ignores" might be a better way of putting it—the notion of "reserved powers" from the Tenth Amendment, which holds that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Taking the Tenth Amendment seriously would mean imposing a more modest role on the central government.

Thomas's states-rights leanings show up most clearly in his dissent in *U.S. Term Limits, Inc.* v. *Thornton* (1995), a case in which the Court ruled unconstitutional Arkansas's imposition of term limits on its congressional representatives. The Constitution, reasoned the Court, already listed certain qualifications for congressional office—a representative must be at least 25 years old, for example, and a senator 30—and no state could add to those restrictions. The Court had read Story's treatise, which not only rejected the compact theory but also asserted that the states' sole "reserved powers" were those that they enjoyed before the framing of the Constitution. Because none of the states at the time had placed term limits on their national representatives, it followed that they didn't have the power to do it now.

Thomas didn't buy it, opining that the majority made a mistake in relying on Story's constrained interpretation of "reserved powers." Story "was not a member of the Founding generation, and his *Commentaries on the Constitution* were written a half-century after the framing," Thomas noted. "Rather than representing the original understanding of the Constitution, they

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represent only his own understanding." Story's assertion "conflicts with both the plain language of the Tenth Amendment and the underlying theory of the Constitution." Surveying the historical period shortly after the Constitution's ratification, Thomas also showed that at least some states had imposed restrictions on qualifications for office beyond those that the Constitution specified—implying that the document, as the founding era interpreted it, permitted them. Therefore, Thomas concluded, since there was no explicit constitutional denial of the power of setting congressional term limits, the people of the states should retain it.

As a simple matter of text and original understanding, Thomas may well have been right, and the venerated Story wrong.

Thomas has also taken on the modern Court's misinterpretation of the First Amendment's religion clause, which has barred states and localities from promoting religion in the public square. The clause provides that "Congress . . . shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof." Since its decision in *Everson* v. *Board of Education of Ewing Township* (1947), the Court has interpreted that to mean a nearly impenetrable "wall of separation" should stand between church and state—and has applied the principle not only to the federal government but also to state and local governments. For example, the Warren Court barred state-sanctioned public school prayer or Bible reading. More recently, the Court has forbidden public schools to invite clergymen to give benedictions at graduations, or to allow student-led prayer at football games.

But recent work of legal historians, including my own, has shown that the religion clause's real purpose was likely to protect the state establishments of religion that still existed in 1791 in Connecticut, Massachusetts, and Virginia, and probably also the religious restrictions for voting or for holding public office that 11 states had on the books at the time. Endorsing this view, Thomas—alone on the Court—wrote in his concurrence in *Elk Grove Unified School District* v. *Newdow* (2004) that "the text and history of the Establishment Clause strongly suggest that it is a federalism provision intended to prevent Congress from interfering with state establishments." As he bluntly put it, "the Constitution left religion to the States."

Justice Thomas's views on abortion similarly reflect his belief that, according to the Constitution, it's up to the states to decide the most important matters of domestic law. In his dissent in *Stenberg* v. *Carhart* (2000), joined by justices Rehnquist and Scalia, Thomas affirmed that *Roe* v. *Wade*, which in 1973 declared that the constitutional "right to privacy" included the right for a woman to choose to terminate her pregnancy, was "grievously wrong." "Nothing in our Federal Constitution deprives the people of this country of the right to determine whether the consequences of abortion to the fetus and to society outweigh the burden of an unwanted pregnancy on the mother," said Thomas. "Although a State *may* permit abortion, nothing in the Constitution dictates that a State *must* do so." It seems that those liberals who feared that a Justice Thomas would vote to reverse *Roe* v. *Wade*, and return the issue of abortion to state voters, were correct.

Thomas's most powerful opinions, however, concern race. In his view—which not all originalists share—the Fourteenth Amendment's provision forbidding states from depriving any person of the "equal protection of the laws," together with Fifth Amendment federal due-process protections, means that the Constitution is colorblind, pure and simple.

In *Adarand Constructors, Inc.* v. *Pena* (1995), the Supreme Court, narrowing the range of permissible race-conscious policies, found that a federal affirmative-action program that gave preferences to minorities in awarding contracts had to show a "compelling governmental interest"—and be "narrowly tailored" to address it—to pass constitutional muster. Thomas concurred, but made clear that he would have gone much further: "I believe that there is a 'moral [and] constitutional equivalence' . . . between laws designed to subjugate a race and those that distribute benefits on the basis of race in order to foster some current notion of equality." No

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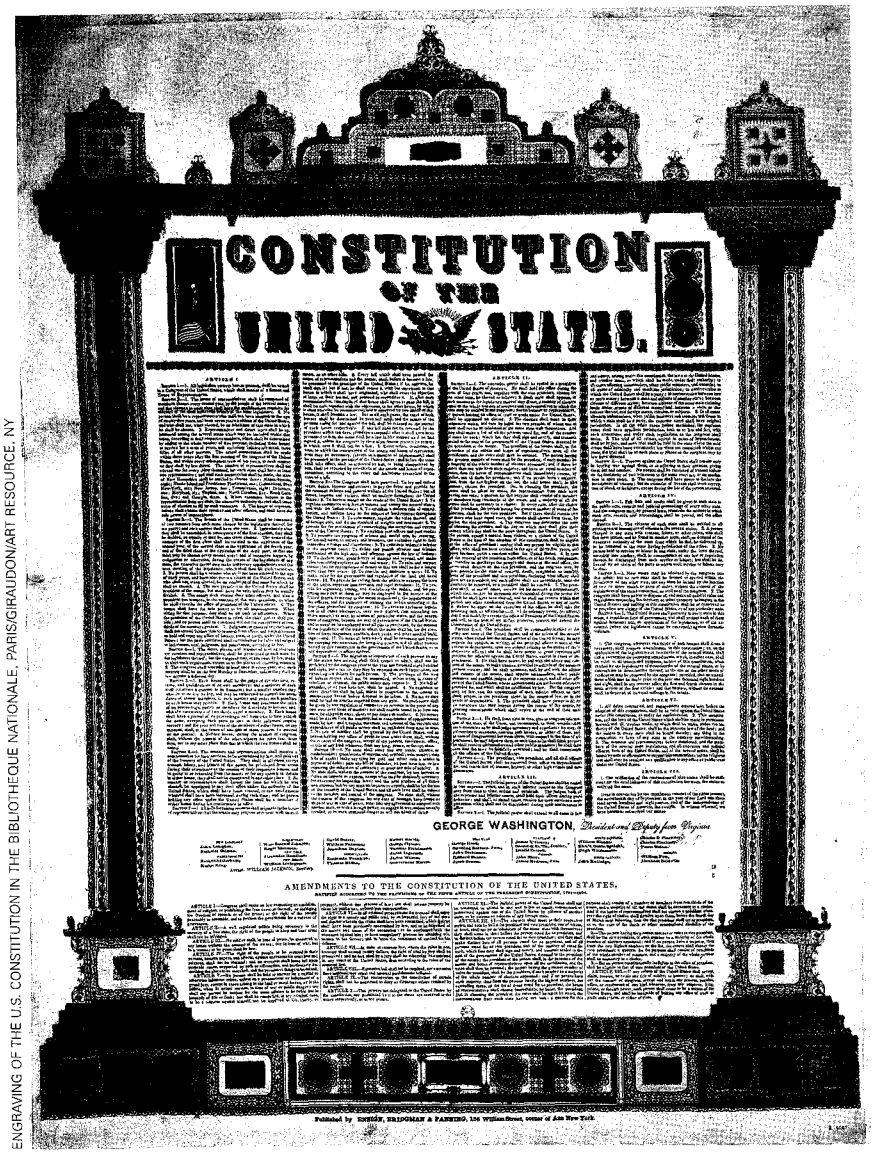
matter the law's intentions, Thomas maintained, "under our Constitution, the government may not make distinctions on the basis of race."

For Thomas, the core of racial preference programs was a paternalism "at war with the principle of inherent equality that underlies and infuses our Constitution." To support his assertion, he cited the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal." As Scott Gerber observes, Thomas's striking argument seeks to incorporate the notion of equality that inheres in the Declaration into the Constitution itself. The *Adarand* concurrence also argues that "so-called 'benign' discrimination teaches many that because of chronic and apparently immutable handicaps, minorities cannot compete" and that "inevitably, such programs engender attitudes of superiority or, alternatively, provoke resentment among those who believe that they have been wronged by the government's use of race." In short, said Thomas, "these programs stamp minorities with a badge of inferiority."

Thomas would know that from experience. Consider Tim Russert's 2004 interview of Harry Reid of Nevada, then the Senate minority leader. Reid feared that George W. Bush might name Thomas to replace William Rehnquist, who had just died, as chief justice. Reid granted that Thomas was "one smart guy" but said that he couldn't support him for chief justice because "he has been an embarrassment to the Supreme Court. I think that his opinions are poorly written. I don't—I just don't think that he's done a good job as a Supreme Court justice."

Many people of good faith disagree with Thomas's opinions. But they can't plausibly accuse him of poor writing. In a 2001 speech at the American Enterprise Institute, Thomas said: "Whenever possible, the Court and judges generally should adopt clear, bright-line rules that, as I like to say to my law clerks, you can explain to the gas station attendant as easily as to a law professor." Thomas has passed this demanding test of lucidity pretty successfully. "It's a shame Russert didn't press Reid to name some Thomas opinions he considers to be poorly written," the *Wall Street Journal*'s James



ENGRAVING OF THE U.S. CONSTITUTION IN THE BIBLIOTHEQUE NATIONALE, PARIS/GIRAUDON/ART RESOURCE, NY

. . . adheres to a strict originalist reading of the U.S. Constitution.

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Taranto commented. "In the absence of such examples, one can't help but suspect that the new Senate Democratic leader is simply stereotyping Thomas as unintelligent because he is black."

The most important Supreme Court decisions on counting by race in recent years have both involved the University of Michigan, and Thomas's opinions in those cases are his clearest and most passionate statements on race and the law. In *Gratz* v. *Bollinger*, the Court deemed unconstitutional Michigan's undergraduate admissions program, which blatantly used quotas, and Thomas concurred. "I would hold that a State's use of racial discrimination in higher education admissions is categorically prohibited by the Equal Protection Clause."

But in *Grutter* v. *Bollinger*, the Court approved Michigan's law school's admissions program, which claimed that race was just one factor among many considered in admissions—though the statistical evidence implied the existence of thinly veiled quotas. Sandra Day O'Connor, writing for the majority, held that the school's desire to achieve "diversity" was a "compelling interest," sufficient to support taking race into account, and that its admissions program was "narrowly tailored" enough to be constitutional.

Thomas's dramatic dissent, joined in pertinent part by Scalia, began by quoting a speech that former slave Frederick Douglass made to abolitionists in 1865. "The American people have always been anxious to know what they shall do with us," Douglass had said. "I have had but one answer from the beginning. Do nothing with us! Your doing with us has already played the mischief with us. Do nothing with us! If the apples will not remain on the tree of their own strength, if they are worm-eaten at the core, if they are early ripe and disposed to fall, let them fall! . . . And if the negro cannot stand on his own legs, let him fall also. All I ask is, give him a chance to stand on his own legs!"

Lamenting the fact that the minority students benefiting from Michigan's preferential admissions treatment tended to do poorly compared with their classmates, Thomas observed that "the Law School seeks only a facade—it is sufficient that the class looks right, even if it does not perform right." Even more pointedly, he added, "All the Law School cares about is its own image among know-it-all elites, not solving real problems like the crisis of black male underperformance."

Thomas's dissent questioned the integrationist ideal itself as harmful to blacks in an educational context. He pointed to "the growing evidence that racial (and other sorts of) heterogeneity actually impairs learning among black

Thomas on Judging

"In my mind, impartiality is the very essence of judging and of being a judge. A judge does not look to his or her sex or racial, social, or religious background when deciding a case. It is exactly these factors that a judge must push to one side in order to render a fair, reasoned judgment on the meaning of the law. In order to be a judge, a person must attempt to exorcise himself or herself of the passions, thoughts, and emotions that fill any frail human being. He must become almost pure, in the way that fire purifies metal, before he can decide a case. Otherwise, he is not a judge, but a legislator. . . .

"My vision of the process of judging is unabashedly based on the proposition that there are right and wrong answers to legal questions. To be sure, judging is a difficult challenge because the Constitution itself is written in broad and sometimes ambiguous terms. Unfortunately, the Constitution does not come with Cliff's Notes or a glossary. When it comes time to interpret the Constitution's provisions, such as, for instance, the Speech or Press Clauses of the First Amendment, reasonable minds can certainly differ as to their exact meaning. But that does not mean that there is no right or correct answer; that there are no clear, eternal principles recognized and put into motion by our founding documents."

—"Judging," a 1996 speech to the University of Kansas School of Law

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students" and to social-science studies showing that "black students experience superior cognitive development at Historically Black Colleges (HBCs)" and that "black students attending HBCs report higher academic achievement than those attending predominantly white colleges." One might question Thomas's reliance on social-science data—such data are often misleading, incomplete, or mistaken. But the majority's claim that diversity is valuable to education similarly relies on social science. And as a black man who experienced both segregated education in the South and integrated education in the North, Thomas can speak with unusual personal authority on the subject of race and education.

Thomas's *Grutter* dissent was fearless in another way, too. In *U.S.* v. *Virginia* (1996), the Court had ruled that the all-male Virginia Military Institute violated the equal protection clause, and so had to start admitting women. Thomas hadn't participated in that case because his son was then attending VMI. But it was more than a little curious, he pointed out now, that the Court was willing to defer, on the grounds of academic freedom, to the Michigan law school's wish to count by race for the purposes of achieving diversity—but that it had been unwilling to defer to "a less fashionable Southern military institution" when it sought to remain single-sex in order to fulfill its goals of discipline and maintaining military traditions.

Thomas's critics often describe him as the kind of judge who endangers our democracy and our rights, because his jurisprudence would permit state establishments of religion, and in general allow states to "legislate morality" in many other ways, including restricting abortion. In a splendid over-the-top performance, one leading scholar even calls Thomas's sort of jurisprudence "fundamentalism" and argues that its adherence to an original understanding of a document is similar to the Koranic fundamentalism of an Osama bin Laden.

But it isn't clear, to put it mildly, how showing fidelity to our republic's founding document and ideals is undemocratic. In fact, Thomas's philosophy, which he can trace to Alexander Hamilton, the first "originalist," is far more democratic than the leftist alternative. Thomas takes seriously the document that Americans' representatives ratified in 1789 and insists that only Americans' representatives change it today—not nine unrepresentative lawyers, ephors sitting in a marble palace in Washington.

This isn't to say that Thomas's behavior as a justice doesn't occasionally leave something to be desired. For instance, it would be helpful to lawyers presenting cases—and to law professors, and maybe even to gas station attendants seeking to understand his jurisprudence—if Thomas spoke up more during oral arguments, giving us better insight into his thought. Still, he must hope that the unvarnished views in his pungent dissents and concurrences (he has written few majority opinions on what has been, until recently, a liberal Court) will one day become the law of the land. If the relatively young Thomas endures for another generation on the Court, as he says he'd like to, that hope may well become reality.

Those now beginning to review Thomas's work more seriously have found it to be much more influential on other justices' thinking than his critics would have anticipated. In Jan Crawford Greenburg's groundbreaking *Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court* (2007), a Thomas comes into focus who is anything but the African-American cyber-puppet programmed by the wily Scalia. Greenburg shows, for example, not only that Thomas has been unafraid to stake out principled positions when he was the only voice in dissent, but also, in several notable cases, that his draft opinions persuaded Scalia and Rehnquist to change their votes and join him in dissents. With the appointments of John Roberts and Samuel Alito, there may be two more originalist justices for Thomas to influence.

Far from being an embarrassment to the Supreme Court, Thomas is contributing some of its most forceful and learned opinions. Even more remarkable, perhaps, is his willingness to go against the prevailing constitutional wisdom. Race probably did play some part in his selection. But by the time he retires, the general assessment will doubtless be that he was one of the most influential justices of his time.

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Jefferson Versus the Muslim Pirates

Christopher Hitchens

America's first confrontation with the Islamic world helped forge a new nation's character.

When I first began to plan my short biography of Thomas Jefferson, I found it difficult to research the chapter concerning the so-called Barbary Wars: an event or series of events that had seemingly receded over the lost horizon of American history. Henry Adams, in his discussion of our third president, had some boyhood reminiscences of the widespread hero-worship of naval officer Stephen Decatur, and other fragments and shards showed up in other quarries, but a sound general history of the subject was hard to come by. When I asked a professional military historian—a man with direct access to Defense Department archives—if there was any book that he could recommend, he came back with a slight shrug.

But now the curious reader may choose from a freshet of writing on the subject. Added to my own shelf in the recent past have been *The Barbary Wars: American Independence in the Atlantic World*, by Frank Lambert (2005); *Jefferson's War: America's First War on Terror 1801–1805*, by Joseph Wheelan (2003); *To the Shores of Tripoli: The Birth of the U.S. Navy and Marines*, by A. B. C. Whipple (1991, republished 2001); and *Victory in Tripoli: How America's War with the Barbary Pirates Established the U.S. Navy and Shaped a Nation*, by Joshua E. London (2005). Most recently, in his new general history, *Power, Faith, and Fantasy: America in the Middle East, 1776 to the Present*, the Israeli scholar Michael Oren opens with a long chapter on the Barbary conflict. As some of the subtitles—and some of the dates of publication—make plain, this new interest is largely occasioned by America's latest round of confrontation in the Middle East, or the Arab sphere or Muslim world, if you prefer those expressions.

In a way, I am glad that I did not have the initial benefit of all this research. My quest sent me to some less obvious secondary sources, in particular to Linda Colley's excellent book *Captives*, which shows the reaction of the English and American publics to a slave trade of which they were victims rather than perpetrators. How many know that perhaps 1.5 million Europeans and Americans were enslaved in Islamic North Africa between 1530 and 1780? We dimly recall that Miguel de Cervantes was briefly in the galleys. But what of the people of the town of Baltimore in Ireland, all carried off by "corsair" raiders in a single night?

Some of this activity was hostage trading and ransom farming rather than the more labor-intensive horror of the Atlantic trade and the Middle Passage, but it exerted a huge effect on the imagination of the time—and probably on no one more than on Thomas Jefferson. Peering at the paragraph denouncing the American slave trade in his original draft of the Declaration of Independence, later excised, I noticed for the first time that it sarcastically condemned "the Christian King of Great Britain" for engaging in "this piratical warfare, the opprobrium of infidel powers." The allusion to Barbary practice seemed inescapable.

One immediate effect of the American Revolution, however, was to strengthen the hand of those very same North African potentates: roughly speaking, the Maghrebian provinces of the Ottoman Empire that conform to today's Algeria,

American naval hero Stephen Decatur fighting corsairs in 1804

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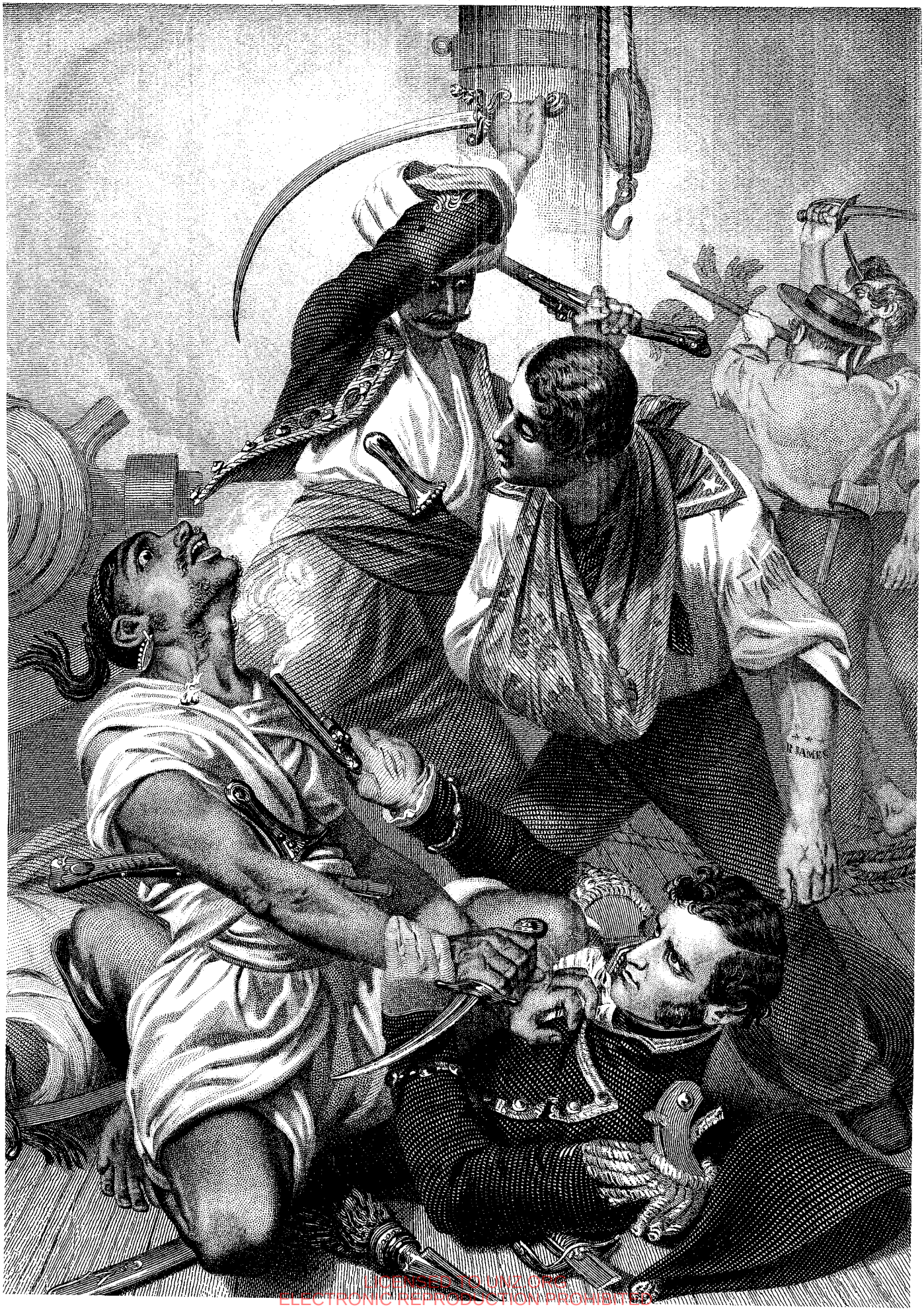

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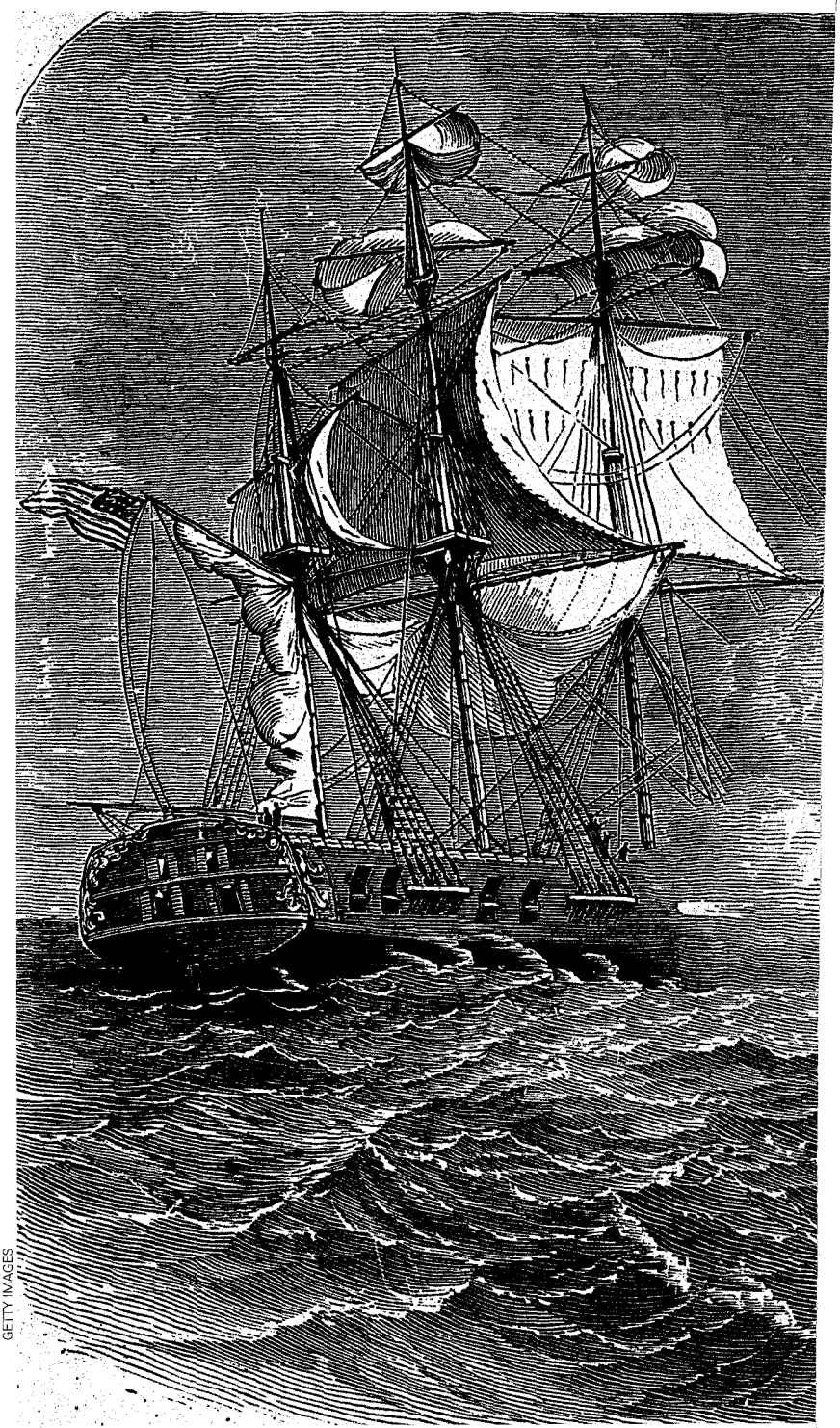
Libya, Morocco, and Tunisia. Deprived of Royal Navy protection, American shipping became even more subject than before to the depredations of those who controlled the Strait of Gibraltar. The infant United States had therefore to decide not just upon a question of national honor but upon whether it would stand or fall by free navigation of the seas.

One of the historians of the Barbary conflict, Frank Lambert, argues that the imperative of free trade drove America much more than did any quarrel with Islam or "tyranny," let alone "terrorism." He resists any comparison with today's tormenting confrontations. "The Barbary Wars were primarily about trade, not theology," he writes. "Rather than being holy wars, they were an extension of America's War of Independence."

Let us not call this view reductionist. Jefferson would perhaps have been just as eager to send a squadron to put down any Christian piracy that was restraining commerce. But one cannot get around what Jefferson heard when he went with John Adams to wait upon Tripoli's ambassador to London in March 1785. When they inquired by what right the Barbary states preyed upon American shipping, enslaving both crews and passengers, America's two foremost envoys were informed that "it was written in the Koran, that all Nations who should not have



GETTY IMAGES

A U.S. warship captures an Algerian pirate vessel.

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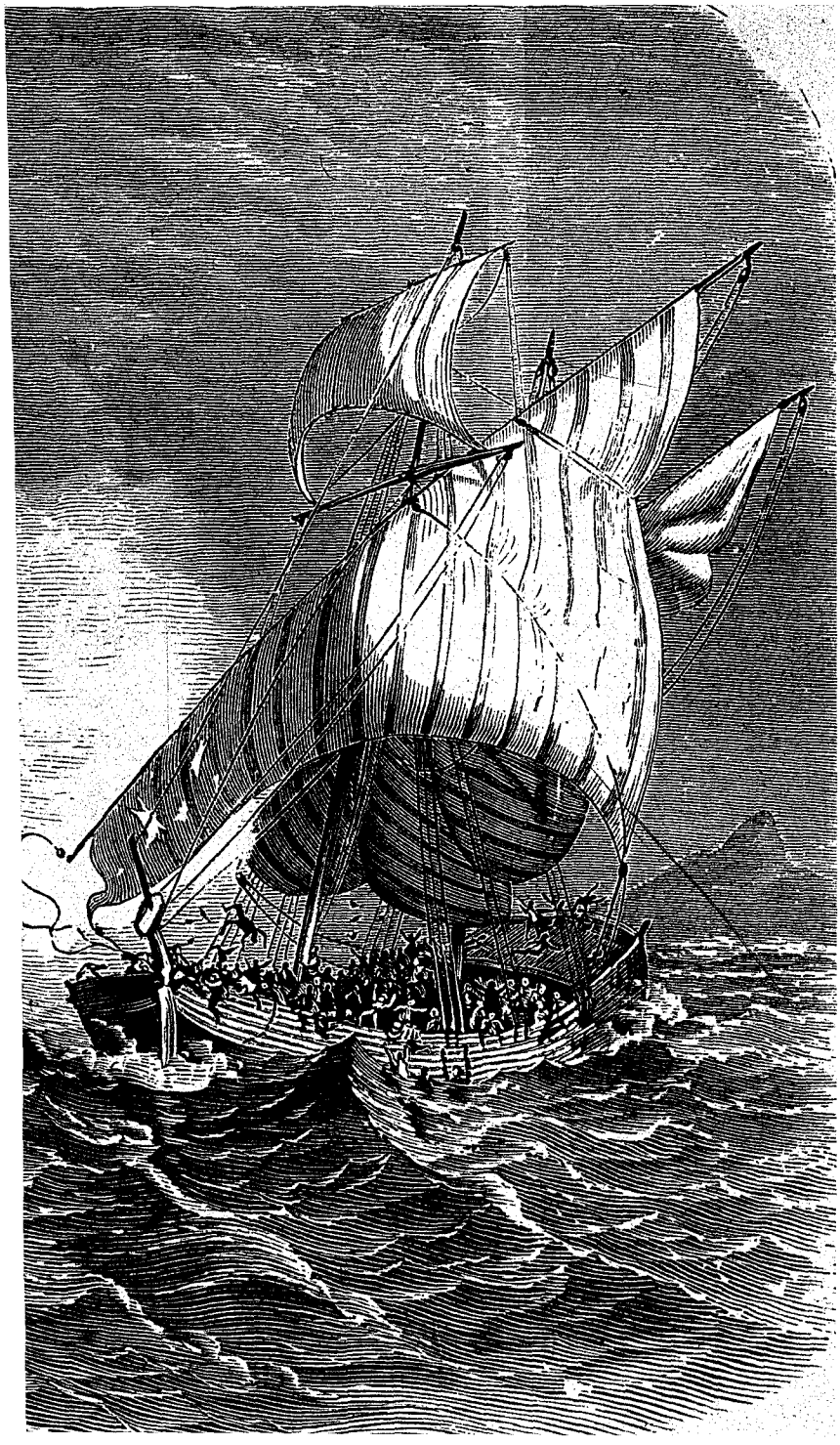

acknowledged their authority were sinners, that it was their right and duty to make war upon whoever they could find and to make Slaves of all they could take as prisoners, and that every Mussulman who should be slain in battle was sure to go to Paradise." (It is worth noting that the United States played no part in the Crusades, or in the Catholic reconquista of Andalusia.)

Ambassador Abd Al-Rahman did not fail to mention the size of his own commission, if America chose to pay the protection money demanded as an alternative to piracy. So here was an early instance of the "heads I win, tails you lose" dilemma, in which the United States is faced with corrupt regimes, on the one hand, and Islamic militants, on the other—or indeed a collusion between them.

It seems likely that Jefferson decided from that moment on that he would make war upon the Barbary kingdoms as soon as he commanded American forces. His two least favorite institutions—enthroned monarchy and state-sponsored religion—were embodied in one target, and it may even be that his famous ambivalences about slavery were resolved somewhat when he saw it practiced by the Muslims.

However that may be, it is certain that the Barbary question had considerable influence on the debate that ratified the United States Constitution

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in the succeeding years. Many a delegate, urging his home state to endorse the new document, argued that only a strong federal union could repel the Algerian threat. In *The Federalist* No. 24, Alexander Hamilton argued that without a "federal navy . . . of respectable weight . . . the genius of American Merchants and Navigators would be stifled and lost." In No. 41, James Madison insisted that only union could guard America's maritime capacity from "the rapacious demands of pirates and barbarians." John Jay, in his letters, took a "bring-it-on" approach; he believed that "Algerian Corsairs and the Pirates of Tunis and Tripoli" would compel the feeble American states to unite, since "the more we are ill-treated abroad the more we shall unite and consolidate at home." The eventual Constitution, which says nothing about an army, does explicitly provide for a navy.

Thus, Lambert may be limiting himself in viewing the Barbary conflict primarily through the lens of free trade. Questions of nation-building, of regime change, of "mission creep," of congressional versus presidential authority to make war, of negotiation versus confrontation, of "entangling alliances," and of the "clash of civilizations"—all arose in the first overseas war that the United States ever fought. The "nation-building" that occurred, however, took place not overseas but in the 13 colonies, welded by warfare into something more like a republic.

There were many Americans—John Adams among them—who made the case that it was better policy to pay the tribute. It was cheaper than the loss of trade, for one thing, and a battle against the pirates would be "too rugged for our people to bear." Putting the matter starkly, Adams said: "We ought not to fight them at all unless we determine to fight them forever."

The cruelty, exorbitance, and intransigence of the Barbary states, however, would decide things. The level of tribute demanded began to reach 10 percent of the American national budget, with no guarantee that greed would not increase that percentage, while from the dungeons of Algiers and Tripoli came appalling reports of the mistreatment of captured men and women. Gradually, and to the accompaniment of some of the worst patriotic verse ever written, public opinion began to harden in favor of war. From Jefferson's perspective, it was a good thing that this mood shift took place during the Adams administration, when he was out of office and temporarily "retired" to Monticello. He could thus criticize federal centralization of power, from a distance, even as he watched the construction of a fleet—and the forging of a permanent Marine Corps—that he could one day use for his own ends.

At one point, Jefferson hoped that John Paul Jones, naval hero of the Revolution, might assume command of a squadron that would strike fear into the Barbary pirates. While ambassador in Paris, Jefferson had secured Jones a commission with Empress Catherine of Russia, who used him in the Black Sea to harry the Ottomans, the ultimate authority over Barbary. But Jones died before realizing his dream of going to the source and attacking Constantinople. The task of ordering war fell to Jefferson.

Michael Oren thinks that he made the decision reluctantly, finally forced into it by the arrogant behavior of Tripoli, which seized two American brigs and set off a chain reaction of fresh demands from other Barbary states. I believe—because of the encounter with the insufferable Abd Al-Rahman and because of his long engagement with Jones—that Jefferson had long sought a pretext for war. His problem was his own party and the clause in the Constitution that gave Congress the power to declare war. With not atypical subtlety, Jefferson took a shortcut through this thicket in 1801 and sent the navy to North Africa on patrol, as it were, with instructions to enforce existing treaties and punish infractions of them. Our third president did not inform Congress of his authorization of this mission until the fleet was too far away to recall.

Once again, Barbary obstinacy tipped the scale. Yusuf Karamanli, the pasha of Tripoli, declared war on the United States in May 1801, in pursuit of his demand for

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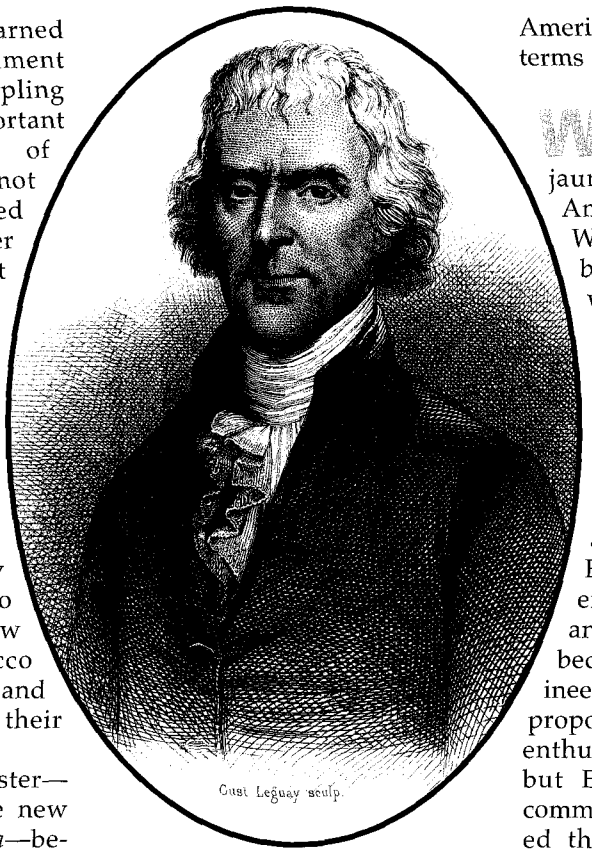
more revenue. This earned him a heavy bombardment of Tripoli and the crippling of one of his most important ships. But the force of example was plainly not sufficient. In the altered mood that prevailed after the encouraging start in Tripoli, Congress passed an enabling act in February 1802 that, in its provision for a permanent Mediterranean presence and its language about the "Tripolitan Corsairs," amounted to a declaration of war. The Barbary regimes continued to underestimate their new enemy, with Morocco declaring war in its turn and the others increasing their blackmail.

A complete disaster—Tripoli's capture of the new U.S. frigate *Philadelphia*—became a sort of triumph, thanks to Edward Preble and Stephen Decatur, who mounted a daring raid on Tripoli's harbor and blew up the captured ship, while inflicting heavy damage on the city's defenses. Now there were names—Preble and Decatur—for newspapers back home to trumpet as heroes. Nor did their courage draw notice only in America. Admiral Lord Nelson himself called the raid "the most bold and daring act of the age," and Pope Pius VII declared that the United States "had done more for the cause of Christianity than the most powerful nations of Christendom have done for ages." (In his nostalgia for Lepanto, perhaps, His Holiness was evidently unaware that the Treaty of Tripoli, which in 1797 had attempted to formalize the dues that America would pay for access to the Mediterranean, stated in its preamble that the United States had no quarrel with the Muslim religion and was in no sense a Christian country. Of course, those secularists like myself who like to cite this treaty must concede that its conciliatory language was part of America's attempt to come to terms with Barbary demands.)



THE ART ARCHIVE

Thomas Jefferson likely sought a pretext for war against the Barbary pirates, who were harassing American ships.

Watching all this with a jaundiced eye was the American consul in Tunis, William Eaton. For him, behavior modification was not a sufficient policy; regime change was needed. And he had a candidate. On acceding to the throne in Tripoli, Yusuf Karamanli had secured his position by murdering one brother and exiling another. Eaton befriended this exiled brother, Hamid, and argued that he should become the American nominee for Tripoli's crown. This proposal wasn't received with enthusiasm in Washington, but Eaton pursued it with commendable zeal. He exhibited the downside that often goes with such quixotic bravery: railing against treasury secretary Albert Gallatin as a "cowardly Jew," for example, and alluding to President Jefferson with contempt. He ended up a supporter of Aaron Burr's freebooting secessionist conspiracy.

His actions in 1805, however, belong in the annals of derring-do, almost warranting the frequent comparison made with T. E. Lawrence's exploits in Arabia. With a small detachment of marines, headed by Lieutenant Presley O'Bannon, and a force of irregulars inevitably described by historians as "motley," Eaton crossed the desert from Egypt and

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came at Tripoli—as Lawrence had come at Aqaba—from the land and not from the sea. The attack proved a total surprise. The city of Darna surrendered its far larger garrison, and Karamanli's forces were heavily engaged, when news came that Jefferson and Karamanli had reached an understanding that could end the war. The terms weren't too shabby, involving the release of the *Philadelphia*'s crew and a final settlement of the tribute question. And Jefferson took care to stress that Eaton had played a part in bringing it about.

This graciousness did not prevent Eaton from denouncing the deal as a sellout. The caravan moved on, though, as the other Barbary states gradually followed Tripoli's lead and came to terms. Remember, too, that this was the year of the Battle of Trafalgar. Lord Nelson was not the only European to notice that a new power had arrived in Mediterranean waters.

Francis Scott Key composed a patriotic song to mark the occasion. As I learned from Joshua London's excellent book, the original verses ran (in part):

> In conflict resistless each
> toil they endur'd,
> Till their foes shrunk
> dismay'd from the war's
> desolation:
> And pale beamed the
> Crescent, its splendor
> obscur'd
> By the light of the
> star-bangled flag of our
> nation.
> Where each flaming star
> gleamed a meteor
> of war,
> And the turban'd head
> bowed to the terrible
> glare.
> Then mixt with the olive
> the laurel shall wave
> And form a bright wreath
> for the brow of the
> brave.

The song was part of the bad-verse epidemic. But brushed up and revised a little for the War of 1812, and set to the same music, it has enjoyed considerable success since. So has the Marine Corps anthem, which begins: "From the halls of Montezuma to the shores of Tripoli." It's no exaggeration to describe the psychological fallout of this first war as formative of the still-inchoate American character.

There is of course another connection between 1805 and 1812. Renewed hostilities with Britain on the high seas and on the American mainland, which did not terminate until the Battle of New Orleans, might have ended less conclusively had the United States not developed a battle-hardened naval force in the long attrition on the North African coast.

The Barbary states sought to exploit Anglo-American hostilities by resuming their depredations and renewing their demands for blood money. So in 1815, after a brief interval of recovery from the war with Britain, President Madison asked Congress for permission to dispatch Decatur once again to North Africa, seeking a permanent settling of accounts. This time, the main offender was the dey of Algiers, Omar Pasha, who saw his fleet splintered and his grand harbor filled with heavily armed American ships. Algiers had to pay compensation, release all hostages, and promise not to offend again. President Madison's words on this occasion could scarcely be bettered: "It is a settled policy of America, that as peace is better than war, war is better than tribute. The United States, while they wish for war with no nation, will buy peace with none." (The expression "the United States *is*" did not come into usage until after Gettysburg.)

Oren notes that the stupendous expense of this long series of wars was a partial vindication of John Adams's warning. However, there are less quantifiable factors to consider. The most obvious is commerce. American trade in the Mediterranean increased enormously in the years after the settlement with Algiers, and America's ability to extend its trade and project its forces into other areas, such as the Caribbean and South America, was greatly enhanced. Then we should attend to what Linda Colley says on the subject of slavery. Campaigns against the seizure of hostages by Muslim powers, and their exploitation as forced labor, fired up many a church congregation in Britain and America and fueled many a press campaign. But even the dullest soul could regard the

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continued triangular Atlantic slave trade between Africa, England, and the Americas and perceive the double standard at work. Thus, the struggle against Barbary may have helped to force some of the early shoots of abolitionism.

Perhaps above all, though, the Barbary Wars gave Americans an inkling of the fact that they were, and always would be, bound up with global affairs. Providence might have seemed to grant them a haven guarded by two oceans, but if they wanted to be anything more than the Chile of North America—a long littoral ribbon caught between the mountains and the sea—they would have to prepare for a maritime struggle as well as a campaign to redeem the unexplored landmass to their west. The U.S. Navy's Mediterranean squadron has, in one form or another, been on patrol ever since.

And then, finally, there is principle. It would be simplistic to say that something innate in America made it incompatible with slavery and tyranny. But would it be too much to claim that many Americans saw a radical incompatibility between the Barbary system and their own? And is it not pleasant when the interests of free trade and human emancipation can coincide? I would close with a few staves of Kipling, whose poem "Dane-Geld" is a finer effort than anything managed by Francis Scott Key:

It is always a temptation
to an armed and agile
nation
To call upon a neighbor
and to say:—
"We invaded you last
night—we are quite
prepared to fight,
Unless you pay us cash to
go away."

And that is called asking
for Dane-geld,
And the people who ask it
explain
That you've only to pay
'em the Dane-geld
And then you'll get rid of
the Dane!

Kipling runs briskly through the stages of humiliation undergone by any power that falls for this appeasement, and concludes:

It is wrong to put
temptation in the path
of any nation,
For fear they should
succumb and go astray;
So when you are
requested to pay
up or be molested,
You will find it better
policy to say:—

"We never pay *any*-one
Dane-geld,
No matter how trifling the
cost;
For the end of that game
is oppression and shame,
And the nation that plays
it is lost!"

It may be fortunate that the United States had to pass this test, and imbibe this lesson, so early in its life as a nation.

The voice of freedom never faltered, even though it stuttered.

Winston Churchill was perhaps the most stirring, eloquent speaker of his century. He also stuttered.

If you stutter, you should know about Churchill. Because his life is proof that, with the will to achieve, a speech impediment is no impediment.

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Love and Glory in East Aurory

Stefan Kanfer

Elbert Hubbard, an American original

"The war will progress from horror to horror," he declared, "and with it the protest, disgust, and anger of the people will deepen." What to do? Why, head overseas to meet with the enemy leader, naturally. It never hurts to talk, and the encounter might just lead to peace. This little narrative, which would fit any number of current politicians, was the final episode in the career of Elbert Green Hubbard (1856–1915), a true American original. Once world-famous, now obscure, Hubbard was a unique amalgam of essayist, huckster, impresario, sage, and egomaniac.

It was the last attribute that cost him his life. On a mission to see Kaiser Wilhelm II and stop World War I in its tracks, he and his second wife, Alice, boarded a ship to Europe. At dockside in New York City, Hubbard ebulliently informed reporters that he was a negotiator without portfolio, an "ex-officio General Inspector of the Universe, with power to investigate anything in any way I choose, as long as I do not violate the Pure-Food laws." The inspector never reached his destination. On the morning of May 7, 1915, as the RMS *Lusitania* cut through the Irish Sea, a German torpedo hit her prow. She sank in 18 minutes. Among the 1,190 victims who drowned were Elbert and Alice, last seen arm in arm as they headed for their stateroom.

The next morning, newspaper obits brimmed with the deceased's achievements—and aphorisms:

> Many a man's reputation would not know his character if they met on the street.
>
> To avoid criticism, do nothing, say nothing, be nothing.
>
> No one ever gets far unless he accomplishes the impossible at least once a day.
>
> Editor: A person employed by a newspaper, whose business it is to separate the wheat from the chaff, and to see that the chaff is printed.
>
> Men are not punished for their sins, but by them.
>
> You can lead a boy to college, but you can't make him think.
>
> The teacher is one who makes two ideas grow where only one grew before.
>
> Enthusiasm is the great hill-climber.

Of all the subjects that consumed him, Hubbard knew most about hill climbing. He came from nowhere—or, to be more specific, from the tiny hamlet of Hudson, Illinois, where he grew up in a hard-shell Baptist household. His father was a prim small-town physician who made calls in a horse-driven gig. His mother was a long-faced homemaker who had lost three sons in infancy or early childhood. Melancholia never seemed to leave the large frame house; even the drop-ins were sad. Elbert recalled a series of Civil War veterans, "gaunt and bearded men in uniform, some invalids, some drunkards and broken with vice," who needed his father's aid and counsel.

Perhaps in rebellion against this blue background, Elbert was buoyant, humorous, optimistic, a whirlwind of positive energy. After high school, he hit the road as a soap salesman. His powers of persuasion made Harold Hill, the ebullient drummer of *The Music Man*, look like a victim of chronic fatigue syndrome. "When I arrived in a town," wrote Hubbard, "the bus driver smiled, the babies cooed, the dogs barked, and the dining-room girls giggled. I scattered smiles, lilac-tinted stories, patchouli persiflage, good cheer, and small silver change all over the

The ex-officio General Inspector of the Universe

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Laida Thurmond

B. Johnston,
All kind wishes
Her friend
T. Hooker

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route. . . . And I sold the goods."

He sold so many, in fact, that by 1881 he had established himself as a partner in the J. D. Larkin Soap Company, whose products he peddled with such panache. That year, he courted and married a pretty girl named Bertha Crawford, from Normal, Illinois. Elbert had swept Bertha off her feet during one of his downstate trips. "She was to bear three sons and a daughter," notes Hubbard biographer Freeman Champney, "and to get on his nerves dreadfully."

The young couple relocated to East Aurora, New York, 18 miles south of Buffalo, where Larkin had its headquarters. As he began his third decade, Elbert G. Hubbard was poised to become the George F. Babbitt of his epoch, fashionably mustachioed, barbered, and tailored, spouting bromides, raising a family in prosperous, horsey suburbia, getting on in the Gilded Age. But a funny thing happened on the way to prosperity: he fell in love. The object of his affection was Alice Moore of neighboring Wales, a rather plain, highly intelligent schoolteacher and one of the area's first "liberated women." Later—13 years later—Elbert acknowledged that Alice "had caused me, at thirty-three years of age, to be born again."

Part of that rebirth was a sudden desire to pursue a literary career. The love affair remained clandestine; the aspiration did not. In 1892, Elbert sold his Larkin shares for $75,000, a princely sum in those days ("I have sloughed my commercial skin," he told his mother), took Greek and Latin lessons from a local minister, developed a voracious appetite for American and English literature, and applied for admission to Harvard. He entered the university in September of the following year; three months later, he dropped out, disenchanted with the faculty. One incident was particularly wounding. "Professor Jarrett Bennett," he remembered, deigned to read a composition by the 35-year-old freshman. "On being ushered into the Presence, I stood first on one foot, then t'other, and rolled my hat in the vain hope of giving the impression of the humility which I did not feel. Finally the ass opened its mouth and spake: I was told that my work was totally lacking . . . that I would never make a writer."

Hubbard had a low threshold for rejection. Fueled by acrimony, he quit Cambridge and set out to prove his professor wrong. He scribbled three novels (all published, all ignored) and made notes for a series of essays on great men. For research, he traveled to England, visiting the homes of early-nineteenth-century writers and artists. Upon return, Elbert shuttled surreptitiously between two households in upstate New York: Alice's in Potsdam, and Bertha's in East Aurora. He acquired some modest stone buildings near the East Aurora home, and there founded a monthly "magazine of protest."

Well aware of Matthew Arnold's pejorative use of "philistine" to describe the vulgar and unlettered, he impudently called his publication *The Philistine*. The pocket-size periodical allowed for no sacred cows and viewed the robber barons with particular disdain. In Hubbard's view, "Millionaires as a rule are woefully ignorant. Up to a certain sum, they grow with their acquisitions. Then they begin to wither at the heart. The care of a fortune is a penalty. I advise the gentle reader to think twice before accumulating ten millions." *The Philistine* was a hit from issue one. Some 52,000 impulse buyers snatched up the first copy, and soon an audience of 126,000 was quoting Elbert's iconoclastic views. Readers loved it when he criticized high society and the medical establishment, and lampooned the academy with pseudo-ads:

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> Ibsen interpreted while you wait
> Columbia College, N.Y.

Not all Hubbard views were negative. Presenting himself as a latter-day Ralph Waldo Emerson, the writer/editor trumpeted the virtues of self-reliance and urged his readers to choose homemade goods over mass-produced ones. The handiwork and socialist

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philosophy of William Morris, founder of the Arts and Crafts movement in Britain, particularly impressed him. Morris paid homage to medieval textiles and furniture, producing some of the most beautiful designs of the nineteenth century; Hubbard believed that the time was propitious for an American version. In 1895, he founded the Roycrofters, named for the seventeenth-century English bookbinders and artisans Samuel and Thomas Roycroft. Like them, Elbert and a group of newly hired colleagues started from scratch, designing their own fonts, making their own paper, and producing their own volumes, page by page.

The first effort was a reprint of the Song of Songs. This was not an arbitrary or a theological choice. Though Elbert had turned into a freethinker who believed that "formal religion was organized for slaves," he found backing for his clandestine affair in King Solomon's sonorities. Accompanying the book was a "study" written by the main Roycrofter. "Surely the love of man and woman is not an ungodly thing," proclaimed Hubbard, "else why should God have made it? 'God's dice are loaded,' says Emerson, and further he adds, 'All natural love between boy and girl, man and woman, is a lovely object, for the richness of its mental and spiritual possibilities are to us unguessed.'"

This essay was part of an elaborate defense built against the day when the dalliance with Alice might become public. Elbert would need it. For in the fall of 1894, he became the father of two daughters: Katherine by Bertha, and Miriam by Alice. To avoid scandal, Alice parked her infant with a sister in Buffalo and went off to address suffragette rallies in New England and the West. Aside from a few well-chosen confidantes, no one was the wiser. But the clock was ticking down to denouement.

On the last page of *Song of Songs* appeared a proud declaration: "no power save the Human Muscle" had created the book. If the Roycrofters' debut was a bit rough around the edges, succeeding volumes showed more than brute force; they were *objets d'art*. Some bore suede covers and gilded edges; others came bound in blue leather, collectors' items from the moment they rolled off the presses.

The Philistine also gained stature and popularity with each issue. Stephen Crane's writing appeared in its pages; so did Shaw's, Kipling's, and Tolstoy's. Hubbard had a different affect now: a broad-brimmed hat sat atop his clean-shaven face, and he took to wearing elongated Western-style jackets and a large velvet bow tie. Countercultural when counterculture wasn't cool, he called himself "Fra Elbertus." The Fra was a sort of medieval monk gone modern, abandoning poverty, chastity, and obedience to worship at the twin altars of Art and Commerce.

In that spirit, Hubbard founded another periodical, this one called *Fra* and subtitled "A journal of affirmation." Unlike *The Philistine*, with its A-list contributors, *Fra* was basically a one-man show. The new magazine had a larger format (9 by 14 inches) allowing for longer copy, and, of greater significance, illustrated ads. These presented another kind of A-list: major American products, including Kellogg's cereals, Wrigley's chewing gum, B. F. Goodrich tires, Ford and Studebaker automobiles, and Equitable life insurance. In his new magazine, Elbert wrote blurbs for various items and services—for a fee. George Batten, a founder of the advertising agency Batten, Barton, Durstine and Osborne, looked on admiringly: "For anyone to deny the cleverness of Hubbard is like saying that flying machines can't fly. Hubbard has always been smart. He makes and sells everything from literature to andirons."

Besides writing, publishing, and managing, Elbert went on lecture tours, appearing in 18 cities in nine states. Full houses greeted him everywhere. He also did a turn in vaudeville, lecturing on the same bill with the Scottish comedian Harry Lauder. Predictably, he adored the limelight: Sir Harry later described Hubbard as the only performer he knew who wore his makeup offstage. He wasn't the only one to view the dynamo with something less than awe. Shaw exploded when Elbert edited him, and

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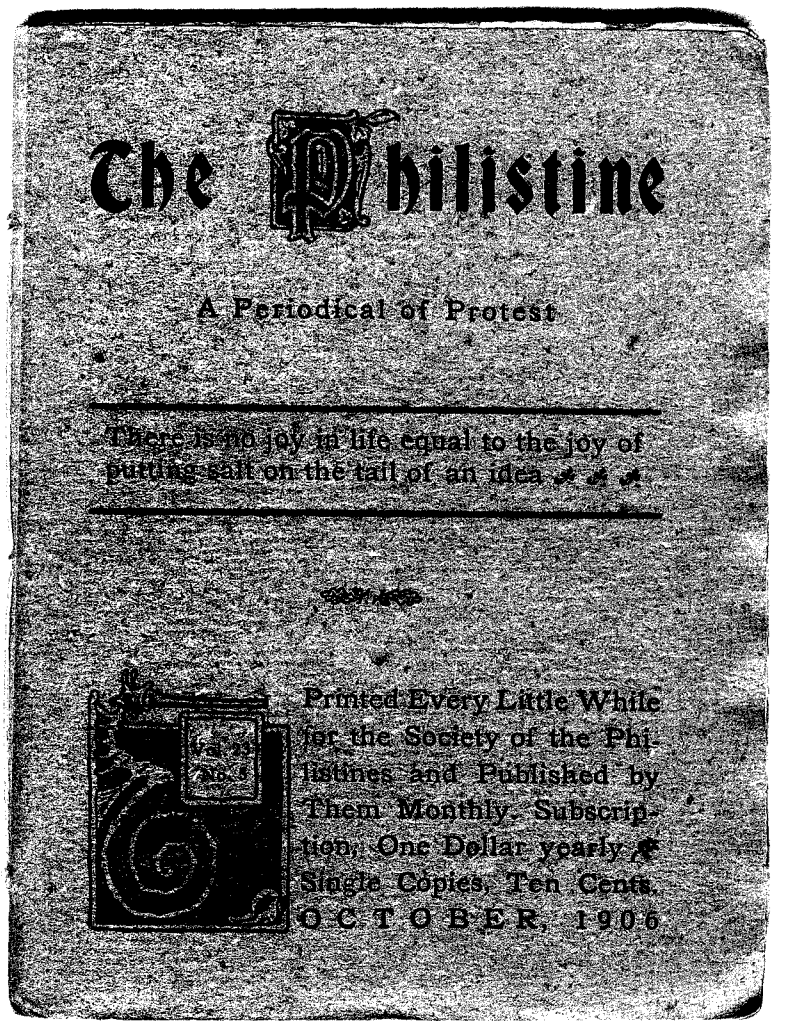
Kipling threatened to sue when the title of one poem wound up changed without his permission.

But if Hubbard had detractors, he was never without advocates, either. William Marion Reedy, editor of the influential newspaper *Reedy's Mirror*, helped to establish the reputations of Theodore Dreiser, Edgar Lee Masters, and Amy Lowell. Like Elbert, he was a self-made journalist, and wrote in defense of his colleague: "It has been said that Hubbard's appeal is to the half-baked. It is true, for the greater part. But we are all half-baked for that matter. Culture is relative. People who follow Hubbard do not stay half-baked. They come out of it. He makes lovers of books out of people who never knew books before."

In fact, books were but a few of the objects that the Roycrofters turned out. Widening his scope, Elbert hired skilled workers to design and manufacture furniture, ironwork, stained-glass windows, lamps, and jewelry. Some 800 artisans found employment in East Aurora, and most adored the boss. He motivated them with pep talks, shared some (though by no means all) of the profits, and showed them how to flog the merchandise by stressing William Morris's slogan, "It is not how cheap but how good." No wonder they applauded unbidden when he entered the dining room.


The Philistine
A Periodical of Protest
There is no joy in life equal to the joy of putting salt on the tail of an idea
Printed Every Little While for the Society of the Philistines and Published by Them Monthly. Subscription, One Dollar yearly. Single Copies, Ten Cents.
OCTOBER, 1906

The front cover of Hubbard's pocket-size, iconoclastic magazine *The Philistine*, . . .

Elbert basked in the flattery. He began to reappraise himself and other leaders. William Morris was a genius, all right, but maybe his brand of socialism wasn't the answer, after all. Those major industrialists . . . perhaps the criticisms were unfair. Experience had taught Elbert that running a business took fervor, intelligence, and leadership. To stimulate the Roycrofters, he tacked notes around the place in a manner that IBM would one day mimic: "Self-Control," "Loyalty," "Mutuality."

And he reached out to his vast audience, regarding each reader as a potential customer. A couplet in *The Philistine* advised readers to "Take the train

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COURTESY OF THE ELBERT HUBBARD-ROYCROFT MUSEUM (2)

. . . and its back cover, with an illustration by *Wonderful Wizard of Oz* artist W. W. Denslow

for East Aurory/Where we work for Art and Glory." In 1896, the magazine went further: it invited every one of its subscribers to visit. They would be "welcome to seats at the table and a place to sleep—of course without charge." Those who remained for more than one night, however, had to "work for the public good at least two hours a day. There is type setting, proof reading, copying and addressing wrappers to do, besides taking care of the Roycroft Baby (limited edition—de luxe copy), cooking, washing, and then there is a good big wood pile."

So many visitors accepted his invitation that Hubbard turned one of the buildings into an inn. Instead of numbers, rooms bore the names of his kind of celebrity: Socrates, for example, Beethoven, Edison, and, reflecting Alice's influence, George Eliot and Susan B. Anthony.

To woo a larger audience (and put a few more coppers in the coffer), Elbert got around to publishing those articles on the famous. He called the popular series *Little Journeys*. There were *Little Journeys to the Homes of English Authors*, among them Robert Burns, Samuel Johnson, and Walt Whitman, whom he'd once met. "Milton knew all about Heaven," observes the author, "and Dante conducts us through Hell, but it was left for Whitman to show us Earth. He never boasted that he was higher, nor claimed to be any less than any of the other sons of men. He met all on terms of absolute equality, mixing with the poor, the lowly, the fallen, the oppressed, the cultured, the rich—simply as brother with brother."

But Hubbard's praise of equality had limits. *Little Journeys to the Homes of Great Musicians* praised Wagner, Paganini, Beethoven, and Verdi, composers not known for love of their fellow man. And in *Little Journeys to the Homes of Eminent Artists*, Elbert fervently endorsed the cantankerous master of landscapes and seascapes, J. M. W. Turner. As Hubbard saw it, the painter's emotional outlook bore certain parallels to his own: "Turner's

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temperament was audacious, self-centered, self-reliant, eager for success and fame, yet at the same time scorning public opinion—a paradox often found in the artistic mind of the first class; silent always—with a bitter silence, disdaining to tell his meaning when the critics could not perceive it."

In *Little Journeys to the Homes of Great Business Men*, Elbert shed the last traces of romantic collectivism. He produced hortatory profiles of bankers and industrialists, among them Andrew Carnegie and Peter Cooper: "Democracy has great disadvantages. Democracy is a safeguard against tyranny, but it often cramps and hinders the man of genuine initiative. If the entire public-school system of the state had been delegated to Peter Cooper in 1850, he as sole commissioner would have set the world a pace in pedagogy." In writing about these captains of industry, Hubbard came to believe that "when the world is redeemed from sickness, woe, want, worry and distress, it will be through the influence of businessmen, not through the courts, the preachers or the professional reformers."

This was music to the ears of the emerging manager class. Executives quoted the inspirational words of Elbert Hubbard, and *The Philistine* became secular scripture in corner offices across the nation. Elbert developed a Business Credo, and sales reps from New York to California made it their mantra:

I believe in myself.

I believe in the firm for whom I work.

I believe in my colleagues and helpers.

I believe in American business methods.

I believe that Truth is an asset.

I believe that when I make a sale I make a friend.

And I believe that when I part with a man I must do it in such a way that when he sees me again he will be glad—as will I.

Even the Credo could not compete with what Hubbard produced on the night of February 22, 1899. Over dinner, he and his 16-year-old son, Elbert "Bert" Jr., had a discussion about the recently concluded Spanish-American War. Who was the conflict's real hero? Teddy Roosevelt, leader of the Rough Riders? General Calixto García, America's Cuban ally? President McKinley? Bert insisted that it was a certain Lieutenant Andrew Rowan. After the dishes were cleared away, Elbert pondered. The preceding day had not gone well; several employees had given him a hard time, challenging the boss's orders and failing to follow through on assignments. Finally, Elbert concluded that Bert was right. The true champion is one who doesn't ask for reasons; his is but to do or die.

He retired to his study and tossed off a 1,500-word essay entitled "A Message to García." It concerned Lieutenant Rowan and his assignment: find General García and give him a message from the U.S. president. The obedient officer unquestioningly took the letter, wrote Hubbard, "sealed it up in an oil-skin pouch, strapped it over his heart, in four days landed by night off the coast of Cuba from an open boat, disappeared into the jungle, and in three weeks came out on the other side of the Island, having traversed a hostile country on foot, and delivered his letter to García." Then the moral: "It is not book-learning young men need, nor instruction about this and that, but a stiffening of the vertebrae which will cause them to be loyal to a trust, to act promptly, concentrate their energies: do the thing: 'Carry the message to García!' "

In case anyone missed his point, Hubbard concluded, "We have recently been hearing much maudlin sympathy expressed for the 'downtrodden denizens of the sweat-shop' and the 'homeless wanderer searching for honest employment,' and with it all too often go many hard words for the men in power.

"Nothing is said about the employer who grows old before his time in a vain attempt to get frowsy ne'er-do-wells to do intelligent work, and his long, patient striving after 'help' that does nothing but loaf when his back is turned . . . . Self interest prompts every employer to keep the best—those who can carry a message to García."

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The "Message" ran without fanfare in *The Philistine*. Elbert considered it a literary trifle until an assistant brought the news: orders were pouring in for reprints. George Davies, president of the New York Central Railroad, ordered 100,000 copies, one for each of his employees, the rest for his colleagues and their staffs. Other executives followed suit. Prince Hilakoff, director of the Russian Railroad, had the "Message" translated into Russian and given to his workers. When the Russo-Japanese war began, each soldier received a copy. Eventually, the essay was translated into 37 tongues. Nothing Elbert had previously done came close to this triumph. As his fame spread, the Roycrofters' sales skyrocketed. Everyone connected to Hubbard seemed to benefit from the association.

Well, almost everyone. Alice's (and Elbert's) daughter, Miriam, had lived with her aunt for seven years. During that time, the still-smitten Alice received no money from her lover. In 1901, her brother-in-law had had enough. Ignoring her protests, he sued for child support. An out-of-court settlement followed, but the wire services got wind of it and the scandal broke in newspapers everywhere. Humiliated, Bertha left Elbert and filed for divorce. Editorials thundered with denunciations. The *New York Sun* was characteristic: "It is said that like Faust Hubbard has sold his soul to the devil." The sinner found himself pilloried as a seducer, an adulterer, and, worse still, a man who deprived his child of her birthright. Elbert fought back with his customary aphorisms: "It is a satisfaction to a vast number of people to hear of the downfall of others." "If joy comes to you the news will go unheralded, but if great grief, woe, disgrace be your portion, flaming headlines will tell the tale to people who never before heard of you." Privately, though, he acknowledged that he had fatefully misstepped. A letter to his mother confessed, "If I go down it will be because I deserved it."

Evidently he didn't deserve it. In 1904, Elbert made Alice an honest woman, marrying her in a widely publicized ceremony in Bridgeport, Connecticut. In the process, he legitimized Miriam. Two of his four children by Bertha, 21-year-old Bert and 16-year-old Sanford, elected to live with their father. All this helped restore his image as a family man. Over the next several years, he quietly repaired his public reputation. He put Alice in charge of the Roycrofters, and she ran the place unobtrusively and well.

Turning to his old ally, the pen, he wrote a series of tributes to his new wife. These appeared in the 1907 volume *White Hyacinths*. "To make a better woman than Alice Hubbard," said one, you would "have to take the talents and graces of many great women and omit their faults. If she is a departure in some minor respects from a perfect standard, it is probably because she lives in a faulty world, with a faulty man, and deals with faulty folks, a few of whom, doubtless, will peruse this article." Gradually, some of Elbert's harshest critics came around. The *Detroit Press* called the book "tender and gentle and sweet." The *New York Times* agreed: "Coming at a time when the world seemed given up to defamation, it marks the very high tide of appreciation."

The old confidence returned. In a memoir, Frank Lloyd Wright's son recalls a meeting between the entrepreneur and the architect. "Elbert was almost as picturesque as was Father," wrote John Lloyd Wright. "They talked arts, crafts and philosophy by the hour. Said Elbert the Hubbard to the Papa one night, 'Modesty being egotism turned wrong side out, let me say here that I am an orator, a great orator! I have health, gesture, imagination, voice, vocabulary, taste, ideas. I acknowledge it myself. What I lack in shape I make up in nerve.' Said Dad the Papa to the Hubbard, 'Not only do I intend to be the greatest architect who has ever lived, but the greatest who will ever live.' Just a couple of boys trying to get along."

When the moment was auspicious, Elbert began a campaign to win back the industrialists. The cover of

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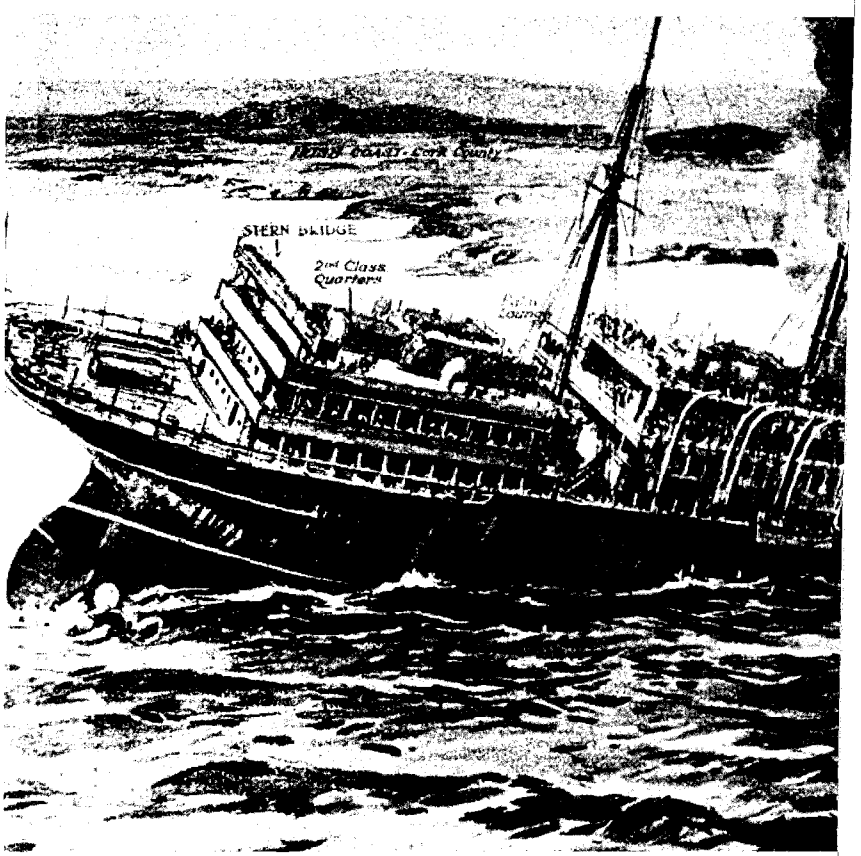
the December 1911 *Philistine* declared, "I am not in the business of defaming America nor using as a doormat the things that are building it up: I believe in big business and more of it." He mocked the emerging revolutionaries in Eastern Europe. His definition of a Marxist was "any man who, when given a room in a hotel that contains two beds, sleeps in both; and who also uses the towels to polish his shoes." When the *Titanic* sank in 1912, Elbert extolled Isidor Straus, John Jacob Astor, and other moneyed folks among the victims: "I did not guess your greatness. You are now beyond the reach of praise—flattery touches you not—words for you are in vain." First the obscure came around, then the prominent, including poet James Whitcomb Riley, Nobel Peace laureate Elihu Root, meatpacking magnate J. Ogden Armour, catsup king Henry J. Heinz, and seed-company founder W. Atlee Burpee.

And yet, for all his boosterism, Elbert Hubbard continued to avoid easy categorization. As war clouds gathered, he took stock of the deteriorating conditions overseas, of the munitions manufacturers, and of the profiteers. Abruptly, almost in shock, he fingered the very people he had previously admired: "Big business is to blame for this thing, let it not escape this truth—that no longer shall individuals be allowed to thrive through supplying murder machines to the mob."



BROWN BROTHERS

Hubbard and his second wife, Alice, went down with the *Lusitania*.

Inconsistent? No doubt. Then again, so was Elbert's idol Whitman, the great avatar of self-promotion and soul who took pride in his own conflicts: "Do I contradict myself? Very well then, I contradict myself, I am large, I contain multitudes." To the end, Elbert, like Walt, was a festival of opposing beliefs and behaviors, moralist and reprobate, aesthete and advertiser, upright citizen and nose-thumber.

Indeed, one of his last acts was a flaunting of federal authorities, and ultimately it did him in. Officials at the U.S. Post Office took offense at a tale printed in *The Philistine*: "The bride of a year entered a drugstore. The clerk approached. 'Do you exchange goods?' she asked. 'Oh, certainly! If anything you buy here is not satisfactory we will exchange it.' 'Well,' was the reply, 'here is one of those whirling-spray [contraceptive] affairs I bought of you, and if you please, I want you to take it back and give me a bottle of Mellin's [baby] Food instead.'" Elbert received a $100 fine for this bawdy indiscretion, and, incredibly, had to surrender his passport. His citizenship rights weren't

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restored until he came up with the idea of visiting Germany in the name of peace. Elbert appealed to the White House, begging permission to cover the war as a journalist. Something of a fan, Woodrow Wilson granted the pardon that sealed the Hubbards' fate.

When news of the *Lusitania* hit the papers, journalism suddenly got a little quieter; it was as if the circus had left town. For with all his shortcomings and excesses, Elbert had beguiled millions, educating them—and himself—in the process. In his father's spirit, Bert tried to keep Roycroft going. But the enterprise could not function without an engine; it dwindled rapidly, and in 1938 sputtered out. The Roycrofters' output wound up relegated to attics and cellars for decades, awaiting a recognition that never seemed to come. In fact, it had to wait until the new millennium, when the books and artifacts showed up in antiques road shows at very respectable prices. Today, eBay lists hundreds of Roycroft items. In East Aurora, the Roycroft Museum on Oakwood Avenue celebrates the arts and crafts of a bygone era. The nearby Roycroft Inn, now a National Landmark, continues to welcome visitors, and Elbert Hubbard remains a presence in the area and outside it.

So does the controversy that swirled around him in life. Some continue to find him an enigma; his biographer refers to him as both an "elemental force" and "a true quack." Reedy offered a similar profile during Elbert's life: "Every day he does something for someone and someone for something. Thus works out his glorious motto: 'Be kind—but get the mazuma.'" But for all that, Hubbard did manage to leave a great deal of sound and valuable work in his wake. Did the author of the "Message," which has sold some 40 million copies, combine the best attributes of Emerson, Whitman, and P. T. Barnum, or the worst? Was he a lover of intellect and a maker of beautiful objects, or a hustler out for the Main Chance? Was he an American archetype, or an American anomaly? The answer to all these questions is yes. In the end, Elbert Hubbard is a figure that only Elbert Hubbard could have invented: great, petty, attractive, repellent, inspiring, exhausting, sincere, hypocritical, ephemeral, memorable. In short, a man who wasn't punished for his sins but by them, whose character would not recognize his reputation if they met on the street—yet who, until his dramatic finale, accomplished the impossible at least once a day.

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Oh, to

ngland

A Drinker of Infinity

Theodore Dalrymple

Arthur Koestler's life and work embodied the existential dilemmas of our age.

Someone who had known Arthur Koestler told me a little story about him. Koestler was playing Scrabble with his wife, and he put the word VINCE down on the board.

"Arthur," said his wife, "what does 'vince' mean?"

Koestler, who never lost his strong Hungarian accent but whose mastery of English was such that he was undoubtedly one of the twentieth century's great prose writers in the language, replied (one can just imagine with what light in his eyes): "To vince is to flinch slightly viz pain."

How many people could define a word in their first language with such elegant precision, let alone in their fourth, and moreover combine it with such irresistibly wicked humor? One can see in this trifling incident how being with anyone less brilliant than Arthur Koestler must have seemed intolerably dull to any woman who had been in love with him.

As it happens, Koestler's relations with women now have more to do with his reputation than does anything that he ever wrote. Since the 1998 publication of David Cesarani's biographical study, Koestler's name has been synonymous with rape, possibly serial in nature, and the abuse of women. I tested this association on several friends with literary interests: though none had read Cesarani's book, in each case, the first thought on hearing Koestler's name was of rape. It is doubtful whether any biography has ever affected the reputation of an author more profoundly than did Cesarani's; and its effect is proof, if we needed any, that books have an influence far beyond their actual readership.

Cesarani is a serious scholar, not a man to manufacture sensational claims for nonscholarly purposes; and, in fact, his widely publicized revelations, which came as a considerable shock, receive a kind of confirmation from a scene in Koestler's novel *Arrival and Departure*, published in 1943.

The book is at least partly autobiographical. Its protagonist (hero would be too positive a word) is Peter Slavek, a young refugee and former Communist militant from an unnamed Balkan country now under Nazi occupation. Slavek arrives in the capital of a neutral country—clearly Lisbon, Portugal—from which he hopes to reach England and enlist in the British forces, the only ones still fighting the Nazis at that time. Koestler himself reached England from Portugal with the same idea in mind, and his description of Lisbon's wartime atmosphere clearly draws on firsthand experience.

While in Lisbon, Slavek falls in love with, or forms an infatuation for, Odette, a young French refugee awaiting a visa for America. Odette has taken no notice of Slavek, but one day she visits a friend's apartment, where the Balkan refugee is temporarily staying. The friend is absent, so Slavek and Odette are alone. There follows a scene that suggests that Koestler was as personally acquainted with rape as he was with the fervid atmosphere of wartime Lisbon.

Slavek declares his love for Odette; she rejects him and prepares to leave. "He jerked himself to his feet, reached the door almost in one jump and got hold of her as she was passing into the hall," Koestler writes. Then the author says of Slavek that he was doing what several rapists have told me that they sought to do—*protect* their victims: "As if the door were a death-trap and she were in danger of falling into it, [he] pressed her against him with a protecting gesture, while with his foot he kicked the door shut." Odette struggles, but "her very struggling,"

Arthur Koestler in 1952

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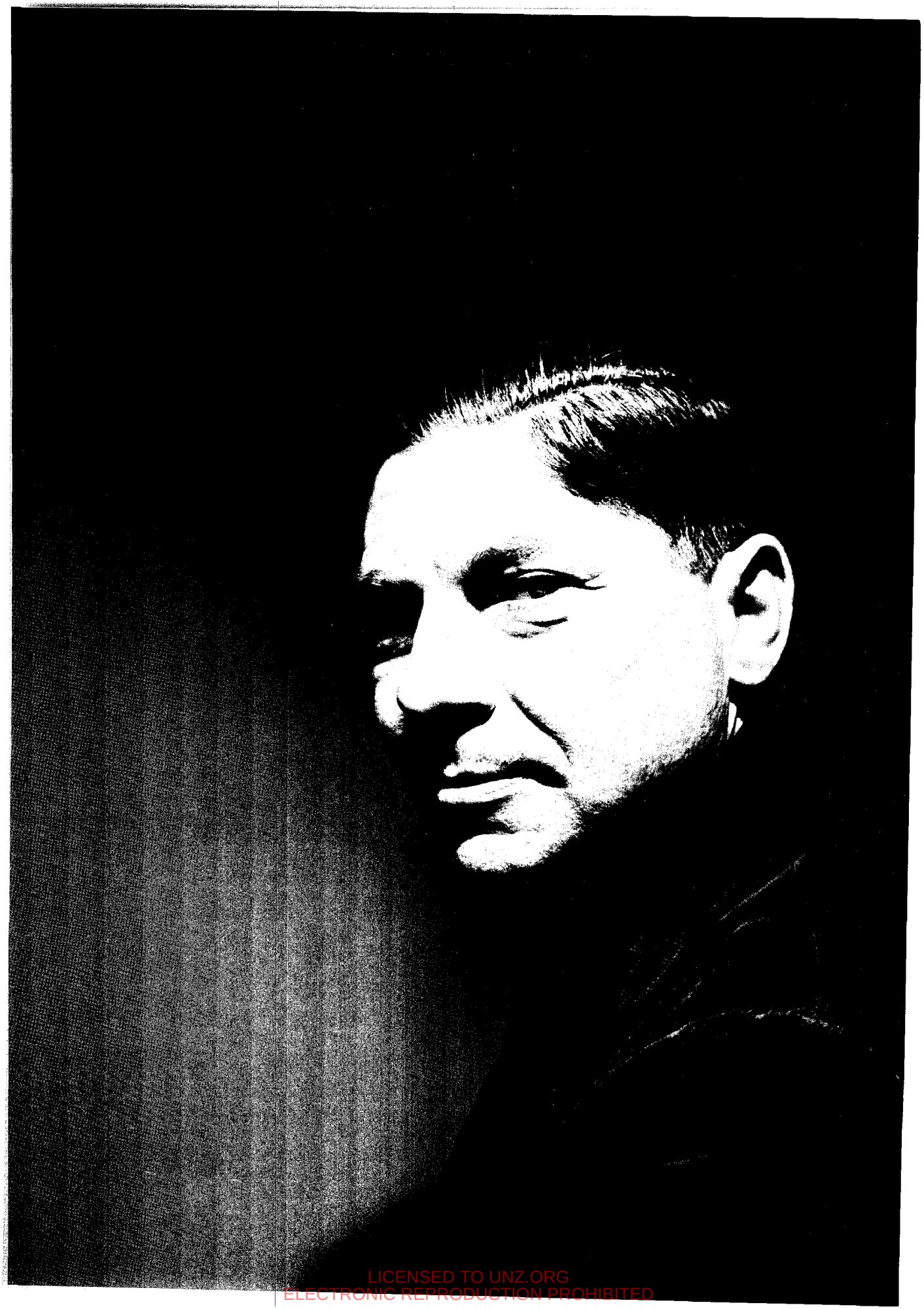

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Koestler writes, makes Slavek's grip "close tighter around her, like the noose of a trap"—not the activity of an agent but the operation of a mechanical contrivance.

The situation calms a little, and Slavek realizes that he should have let his arms drop with embarrassment, but then "she began struggling again in renewed fury, and this automatically made him tighten his grip." Koestler describes Slavek as more terrified than Odette.

Then comes the actual rape:

> She struggled breathlessly, hammering her fists against his breast . . . God, how unreasonable she was. . . . All he wanted was to make her understand that he didn't want anything from her. . . . By her furious struggling she caused him to press her back, step by step, from the door. His lips babbled senseless words that were meant to calm; but now it was too late, the flames leapt up, enveloping him . . . . With blind eyes he fell as they stumbled against a couch . . . [and he] rammed his knee against her legs, felt them give way and a second later her whole body go limp.

After it is all over, Odette cries. Slavek takes her hand, and feels encouraged when she does not withdraw it to explain and justify his actions: "You know, I am not so sure that you will always regret it, although for the moment you are still angry with me." Then he contrives to blur the distinction between voluntary and coerced sexual relations: "Nowadays things often start this way, the end at the beginning I mean. In the old days people had to wait years before they were allowed to go to bed and then found out that they didn't really like each other, it had all been a mirage of their glands. If you start the other way round you won't need to find out whether you really care."

Odette's reply absolves Slavek of any need to feel remorse: "The whole point is that if you knock a woman about for long enough and get on her nerves and wear her down, there comes a moment when she suddenly feels how silly all this struggling and kicking is, so much ado about nothing." Sexual intercourse, then, has no more moral significance than urination or any other physiological function. "You probably think what an irresistible seducer you are, while in fact all you did was get her to this zero level where she says—after all, why not?" And to confirm the Slavek-Odette-Koestler theory, Slavek and Odette go on to have a short and intense love affair.

Koestler's description of a rape seems to be from the inside; and if Cesarani is right, it gives us the very model of Koestler's conduct and experience. He might even have suffered from (if "suffered from" is quite the right phrase) what psychiatrists call "coercive paraphilia": sexual excitement brought on by the act of physical subjugation, a pompous name sometimes being the nearest that medical science can come to an explanation. Slavek's argument, of course, is virtually a rapist's charter. But the uncomfortable fact is that some of the women whom Koestler abused remained friends with him for the rest of their lives. It would take an entire book fully to explore all the evasions in the passage that I have quoted, as well as the social and psychological questions that it raises.

There is much more to Koestler, of course, than sexual perversity, even if it is difficult nowadays to read anything that he wrote without first donning rape-tinted spectacles. *Arrival and Departure* is not just about Slavek's love life: it passionately engages with the most important political questions of the day.

For example, the book gave the most graphic description until then published of the gassing of the Jews in Eastern Europe, not as isolated massacres, but as part of a deliberate genocidal policy; and it drew an explicit comparison—now banal and commonplace, but then brave and arresting—between Hitler and Stalin, pointing out their similarities, despite their enmity. Meeting an intelligent Nazi agent called Bernard, Slavek asks him why the Nazis, so anti-Communist, nevertheless copied Soviet

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methods "to a considerable extent." Bernard replies:

> There is of course a certain affinity between your ex-fatherland and ours. Both are governed by authoritarian state bureaucracies on a collectivist basis; both are streamlined police states run by economic planning, the one-party system and scientific terror. . . . It is a phase of history as inevitable as was the spreading of the feudal, and later of the capitalist, system. Our two countries are merely the forerunners of the post-individualist, post-liberal era.

To have written this passage at a time when books praising our gallant Soviet allies poured forth from the press—when even conservatives, always very few among the intelligentsia, had replaced their visceral hatred of the Soviet Union with admiration—was an act of considerable courage.

Koestler's reputation as a writer had declined well before Cesarani's revelations. He had become an author of the kind one encounters during late adolescence or early adulthood, whom one catches like the literary equivalent of glandular fever, but to whom, once read, one develops a lifelong immunity. Once one of the world's most famous authors, he became as dated as the youthful fashions of three decades ago.

There were several reasons for this. By 1980, if not before, the burning political issues of his early adulthood—Communism, the rise of fascism, and the establishment of a Zionist state—were of less concern to new generations of readers. Many regarded Koestler's subsequent obsessions—Indian mysticism, Lamarckian biology, non-reductionist science, and parapsychology—as bizarre or even dotty, the symptoms of a mind that had lost its way. In his will, he endowed a chair in parapsychology at Edinburgh University. He regarded telepathy and precognition as established facts, largely because of the now-discredited experiments of J. B. Rhine at Duke University. He began to collect examples of startling coincidences, as if they could tell us something about non-causal relations between events. Like Sir Arthur Conan Doyle before him, he seemed to the public to have traveled from serious authorship to spiritualist crankdom.

The penultimate nail in the coffin of his reputation, before Cesarani's revelations, was his double suicide with his wife, who was 20 years younger, in 1983. While he had both severe Parkinson's disease (causing a decline in his mental powers) and leukemia (from which he was soon to die, in any case), his wife, who swallowed a fatal dose of barbiturates with him, was in perfect health. Many believed—without adequate evidence—that Koestler had bullied his wife into ending her life with him.

This was the second double suicide of a great Central European writer of adopted British citizenship and his wife—the first being that of Stefan and Lotte Zweig. But whereas Zweig killed himself in despair at the state of the world, Koestler killed himself in despair at the state of his health—no doubt a commentary on the direction, not wholly bad, in which the world had moved in the intervening 40 years. But it suggested great egotism and cast doubt on the sincerity, or at least disinterestedness, of all Koestler's previous commitments.

Koestler does not deserve such summary dismissal, for if any figure could claim to have encapsulated in his own life—and recorded—the political, intellectual, and emotional tribulations of the twentieth century, it is he.

He was born in Budapest in 1905 to assimilated Jewish parents. His father was a businessman who failed most of the time but who occasionally hit the jackpot: immediately before and during the first half of World War I, he made a fortune (soon lost) by manufacturing and selling soap that contained radium. Radioactivity was then a recently discovered phenomenon, and many believed the rays to be life-enhancing and disease-curing.

Koestler's father spent the rest of his days dreaming of a new product that would restore his fortune at a stroke; and, in a sense, the young Arthur

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THE GRANGER COLLECTION, NEW YORK

Koestler on a 1931 zeppelin expedition to the North Pole

shared this kind of illusion but transposed it to the intellectual, political, philosophical, and spiritual spheres. As a young man, Koestler saw in radical Zionism the answer to his existential problems, though he had no religious belief or cultural or philosophical affinities with Judaism (much later, moreover, he wrote a book still cited by anti-Zionists, *The Thirteenth Tribe,* which claims that most Jews are not of Semitic origin but descendants of the Khazars, a Turkic tribe that converted to Judaism). Then Koestler converted to orthodox Marxist Communism, followed by a stage of crusading anti-Communism, itself replaced by a prolonged search for a spiritualism founded on evidence and rational inference. Koestler was not a man to do things by philosophical halves: he was a drinker of infinity, to quote the title of one of his books.

Young Arthur, gifted scientifically and mathematically, studied engineering in Vienna but did not graduate. Instead, the ardent Zionist went off to Palestine to live on a kibbutz. He did not last long; his personality ultimately would not allow absorption into a collective enterprise. On the verge of starvation, he was saved by a fortuitous appointment as the Palestine correspondent of the Ullstein Trust, the largest German newspaper group, which later assigned him to its Paris office. He then moved to Germany, where he served as the science editor of one newspaper and foreign editor of another, among other exploits

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flying in a zeppelin to the North Pole via Soviet Russia.

Koestler joined the Communist Party, later explaining that it seemed the only viable alternative to Hitler, but this led Ullstein to sack him. Returning to Paris after traveling in the Soviet Union, he wrote political propaganda under Comintern direction until the outbreak of the Spanish Civil War, when a British liberal newspaper assigned him to visit Franco's headquarters. Denounced as a Communist, he managed to escape, but Franco's forces captured him during a subsequent trip to Spain and sentenced him to death. An international campaign secured his release. Koestler's years as a Comintern agent—in which he, the most egotistical of men, willingly subjected himself to the Party's discipline on the grounds that it represented the sole judge of transcendent truth—gave him unparalleled insight into the psychology of Party members suddenly accused of counterrevolutionary treason.

He then lived in France, breaking for good with the Communist Party over the show trials. When war broke out in 1939, the French government arrested him in Paris for being a potentially hostile alien and imprisoned him in a concentration camp; a second international campaign won his freedom. Fearing rearrest, he joined the French Foreign Legion and managed, by a very circuitous route, to reach Lisbon. From there, he flew—illegally—to London, where he again found himself imprisoned, this time for six weeks. In his prison cell, he corrected the proofs of *Darkness at Noon*, which would be his most famous book.

Released from prison, he at once joined the British army, which, he said, had a salutary effect upon his life. "I found myself transformed from a member of the grey, piteous crowd of refugees—the scum of earth—into a best-selling author," he wrote. "This is a dangerous experience for any writer, but before it could turn my head I was also transformed into Private No. 13805661 in 251 Company Pioneer Corps, which was not given to lionizing intellectuals." It says something of Koestler's life until then that he called the three years he spent in blitzed London, where he survived a close bombing, "among the most uneventful (I almost said peaceful) of my life."

By the age of 37, Koestler had traveled widely; spoke Hungarian, German, French, Russian, and English fluently, as well as some Hebrew (having invented the Hebrew crossword while in Palestine); had been imprisoned several times, including under sentence of death; had been a Zionist, a Communist, and an anti-Communist; and had written books in Hungarian, German, and English. Shortly after arriving in England, he knew and was friendly with its most prominent writers and intellectuals: George Orwell, Cyril Connolly, Dylan Thomas, Bertrand Russell, Alfred Ayer, and many others.

Koestler wrote *Darkness at Noon* in German while living in Paris, expecting at any moment to face arrest. It is the story of Rubashov, a Bolshevik intellectual modeled largely on Nikolai Bukharin, the economist and darling of the Party who wound up executed after a 1938 Moscow show trial.

At the time of the book's publication in 1940, and for a long time afterward, the public confession of many old Bolsheviks to self-evidently absurd crimes that carried the death penalty—for example, that from the very beginning of their careers they had served foreign intelligence services—mystified many in the West. How had Communist officials obtained these confessions? Did the Russians have some extremely sophisticated and secret technique of interrogation, unknown in the West?

Of course, some in the West, Communists and ardent fellow travelers, believed that the trials were fair and that the confessions were unforced and entirely veridical. Among the most influential was a prominent British lawyer, D. N. Pritt, who actually wrote a book testifying to the Moscow trials' fairness. As late as 1972, a fellow medical student, at the time a fierce Maoist, tried to convince me that the trials were genuine by lending me transcripts of the proceedings.

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So Koestler's imaginary reconstruction of how Rubashov was persuaded to confess, to which he brought his own intimate knowledge of how people thought and acted who had made the Party their whole life, was entirely new and original. Koestler's solution to the puzzle was that Rubashov, and those like him, confessed not because of any physical torture (though Rubashov is deprived of sleep, a technique that interrogators did use in obtaining confessions) but because it was logical for them to do so. All their adult lives, they had believed that the end justified the means; moreover, and crucially, they had delegated to the Party the exclusive right to judge both end and means. Who were they, then, to object when the Party decided that it needed to sacrifice them, irrespective of whether they were guilty of anything?

Koestler is sufficiently sophisticated a novelist not to make Rubashov wholly admirable. Indeed, the Communist has failed to intervene on behalf of his own secretary, Arlova, with whom he has had a love affair, when she is accused of preposterous crimes. He reasons that his life is worth more to the cause than hers.

Koestler has the aristocratic Rubashov interrogated by a proletarian functionary named Gletkin. The climax comes when Gletkin argues that Rubashov's private dissent from the Party line must, logically and objectively, lead to civil war and possibly to the destruction of the dictatorship of the proletariat and that, therefore, his confession "is the last service the Party will require of you."

> "Comrade Rubashov, I hope that you have understood the task which the Party has set you."
>
> It was the first time that Gletkin called Rubashov "Comrade." Rubashov raised his head quickly. He felt a hot wave rising in him, against which he was helpless. His chin shook slightly while he was putting on his pince-nez.
>
> "I understand."

Here, the pince-nez symbolize the last remnant of a more refined civilization (Chekhov wore them, for example), defeated by a cruder, more ruthless way of life. It is a subtle point that Koestler is making: Rubashov is both beneficiary and destroyer of the old civilization and is himself destroyed by the offspring of his own destructiveness.

Some on the right have unfairly criticized Koestler, claiming that *Darkness at Noon* implies that subtle argumentation, rather than crude torture, obtained the confessions at the Moscow trials. But nowhere in the book does Koestler suggest that harsher methods to obtain confessions did not play a role—quite the contrary—or that the methods used in Rubashov's case characterized every case. Rather, his novel is philosophical, plausibly pointing to the terrible logical and practical consequences of the belief that the ends justify the means, when those ends have been preordained by authority, whether of history, the great leader, or even God.

Darkness at Noon was probably the most influential anti-Communist book ever published, more important (in practice) even than *Animal Farm* or *Nineteen Eighty-Four*. Koestler's standing to write it was undisputed. It is true that it had little resonance in Britain, where it first appeared; and though it sold better in the United States, Communists had even less chance of success there than in Britain, so it again had muted influence. It was in France where the book's influence was decisive: there, after the war, a race took place between the publisher's printing presses and the capacity of the extremely powerful Communist Party to buy up and destroy copies as they reached the bookshops. This censorship drive was an important reason why a French referendum on a new constitution, which would have given a preponderant government role to the strongest of the many political parties (then the Communists), went down to defeat. By trying to silence Koestler's book, the Communists revealed themselves as dictators in the making.

After the publication of *The God That Failed*—containing

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six essays by prominent intellectuals, including himself, who had been Communists but had become disillusioned to the point of fierce enmity toward their former ideal—and after his participation in the Congress for Cultural Freedom in Berlin in 1950, Koestler shifted his interest. The question of Communism seemed settled beyond reasonable doubt, though in practice it needed still to be defeated. Henceforth, his attention turned to science and its compatibility (or otherwise) with what one might call mystical or spiritual modes of thought.

He did not leave the practical world behind entirely. He became an ardent campaigner both against the death penalty and in favor of euthanasia (by no means an uncommon combination). His feeling against the death penalty, expressed with characteristic force in his book *Reflections on Hanging*, no doubt arose from his contact with its implementation in Franco's prison. It was also his prison experiences that gave him a lifelong interest in the welfare of prisoners and led him to establish the annual Koestler Prizes, awarded to British prisoners who had produced the best literary and artistic work in the previous year. This imaginative and wholly laudable initiative has led to the reverence shown for Koestler's name in British prisons, at least by the better-informed inmates.

Koestler's account of his internment in a Spanish prison, published first as the second half of *Spanish Testament* and then as the whole of *Dialogue with Death* (in my opinion, his greatest book), uncovers a layer of being far deeper than the political. His depiction of the way those condemned to death were taken away to execution is unforgettable:

> I had gone to sleep, and I woke up shortly before midnight. In the black silence of the prison, charged with the nightmares of thirteen hundred sleeping men, I heard the murmured prayer of a priest and the ringing of the sanctus bell.
>
> Then a cell door . . . was opened, and a name was softly called out. "*Qué?*"—What is the matter—asked a sleepy voice, and the priest's voice grew clearer and the bell rang louder.
>
> And now the drowsy man understood. At first he only groaned; then in a dull voice he called for help: "*Socorro, socorro.*"

The same scene is enacted at another cell:

> Again, "*Qué?*" And again the prayer and the bell. This one sobbed and whimpered like a child. Then he cried out for his mother: "*Madre, madre!*"
>
> And again: "*Madre, madre!*"

And in his description of the last man removed for execution that night, Koestler subtly indicates the complete inadequacy of political ideology in the face of the mysteries of life and death:

> They went to the next cell. . . . He asked no questions. While the priest prayed, he began in a low voice to sing the "Marseillaise." But after a few bars his voice broke, and he too sobbed. They marched him off.
>
> And then there was silence again.

No revolutionary triumphalism here, with heroes gladly going to their death in the knowledge that the cause will ultimately triumph.

Throughout *Dialogue with Death*, Koestler raises profound existential questions. He becomes almost mystical, foreshadowing his later interests; after his release, he dreams of the Seville prison. "Often when I wake at night I am homesick for my cell in the death-house . . . and I feel I have never been so free as I was then." He continues:

> This is a very curious feeling indeed. We lived an unusual life. . . . The constant nearness of death weighed us down and at the same time gave us a feeling of weightless floating. We were without responsibility. Most of us were not afraid of death, only of the act of dying;

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> and there were times when we overcame even this fear. At such moments we were free—men without shadows, dismissed from the ranks of the mortal; it was the most complete experience of freedom that can be granted a man.

The man who wrote those words was not likely to remain a Communist (as he was when he wrote them). Indeed, it is clear that his initial attraction to Communism must have been religious—not that he saw it as the best doctrine with which to oppose Hitler, as he claimed in his subsequent self-justification, or that it represented for him a supposedly pure, rational philosophy. When Koestler saw what Communism wrought, both materially and in men's souls, he realized that it could never answer his religious needs.

While he had those needs, he was sufficiently a man of the Enlightenment not to be able to subscribe to any traditional religion. In the 1960s, after all, he produced massive histories of science that commanded the respect of prominent scientists; yet he could not believe that science, at least as then practiced, contained all the answers that he sought. In his novel *The Age of Longing*, Koestler describes the plight of Hydie, a lapsed Catholic:

> Oh, if only she could go back to the infinite comfort of father confessors and mother superiors, of a well-ordered hierarchy which promised punishment and reward, and furnished the world with justice and meaning. If only she could go back! But she was under the curse of reason, which rejected whatever might quench her thirst, without abolishing the urge; which rejected the answer without abolishing the question. For the place of God had become vacant, and there was a draught blowing through the world as in an empty flat before the new tenants have arrived.

Precisely Koestler's own predicament, and that of modern man. It is no wonder that, a few years later, he went to India and Japan to seek the mystical wisdom of Hinduism and Zen Buddhism, or that he sought evidence of man's non-materiality in experiments to prove the reality of extrasensory perception, only a short step from full-blown spiritualism.

Koestler was fully aware, from an early age, of the contradictions in his own character, which helps make him one of the great autobiographers of the last century. In *Arrow in the Blue*, the first volume of his autobiography, he sums himself up as an adolescent: "The youth of sixteen that I was, with the plastered-down hair, and the fatuous smirk, at once arrogant and sheepish, was emotionally seasick: greedy for pleasure, haunted by guilt, torn between feelings of inferiority and superiority, between the need for contemplative solitude and the frustrated urge for gregariousness."

And at the end of *The Invisible Writing*, the second volume, Koestler says: "The contradictions between sensitivity and callousness, integrity and shadiness, egomania and self-sacrifice which appear in every chapter [of the autobiography] would never add up to a credible character in a novel; but this is not a novel. . . . The seemingly paradoxical can be resolved only by holding the figure against the background of his time, by taking into account both the historian's and the psychologist's approach."

It is precisely because Koestler's life and work so deeply instantiate the existential dilemmas of our age that he is a fascinating figure, unjustly neglected, and too often dismissed as a sexual psychopath. He was not a naturally good man (far from it), but he was struggling toward the good by the light and authority of his own intellect; unfortunately, as Hume tells us, reason is the slave of the passions, and Koestler was an exceptionally passionate man.

Once I happened to find two first editions, very cheap, of Koestler's books in a second-hand bookshop that I haunt. "Ah," said the bookshop owner, "*The Age of Longing* and *Dialogue with Death*: a complete summary of human life, when you come to think of it."

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Letters

Negative Action

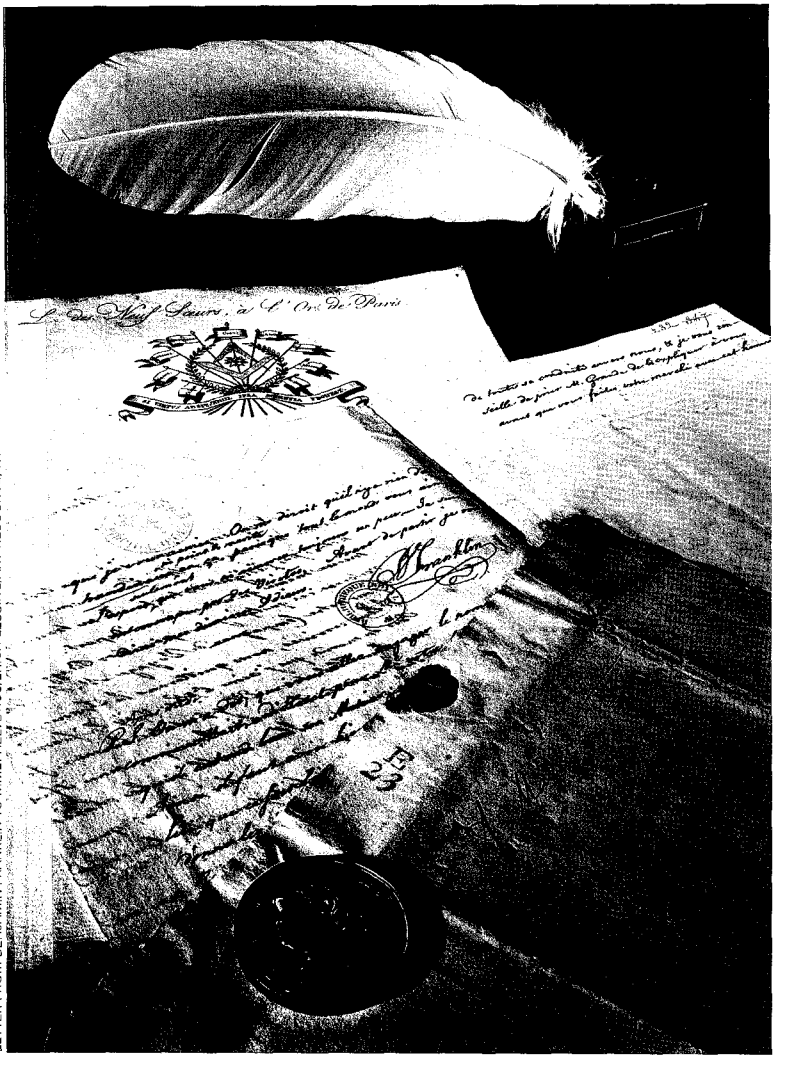
To the editor:

The affirmative-action tragedy that Heather Mac Donald describes at the University of California didn't have to happen ["Elites to Anti-Affirmative-Action Voters: Drop Dead," Winter 2007]. I was a graduate student at UC Santa Barbara in the early 1970s. When affirmative action was first being discussed, I was part of a sizable minority arguing for a different approach. The focus would have been on identifying promising minority students in high school, and perhaps earlier, to make sure that they had opportunities for achievement. If these candidates met UC standards objectively, admit them with sufficient financial aid; if not, put them in monitored programs at the junior colleges, where they could remedy their academic deficiencies and prove themselves in UC-transferable courses, again with adequate financial aid.

Many of us feared what has, in fact, happened: academic standards for minority students are lowered at admission; programs with lower standards are created to keep them in the university; and the educated public therefore does not take their credentials at face value.

At the end of the 1970s, I went to the UCLA School of Law, where affirmative action was in full flower. Because I dated someone who worked in the admissions office, I learned that of the 20 percent of my class who were black or Chicano, only one person would have been admitted on objective criteria.

Rob Perelli-Minetti
Greenwich, CT



LETTER FROM BENJAMIN FRANKLIN TO MME. HELVETIUS/ERICH LESSING/ART RESOURCE, NY

To the editor:

Our colleges and universities are now—with the exception of St. John's College in Annapolis and Santa Fe, and only one or two others—merely trade schools. Ninety-nine percent of those attending are seeking only credentials, not liberal learning. That is equally true of those with SAT scores in the 1,500s. There is no reason to concern ourselves with the operation of these trade schools; we should care only about the competence of our graduates. They should have to demonstrate their competence to practice

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Letters

their professions—since that might affect us—but nothing beyond that.

So why be concerned if illiterates are admitted to Berkeley? The smart ones who are interested only in money will obtain a way to make it there. And those who are serious about finding wisdom and a true education wouldn't find them there anyway. Let the system collapse under its own weight.

Jeff Hyams
Pittsburgh, PA

Heather Mac Donald responds:

Universities and colleges are worth fighting for as places where humanity's greatest creations are lovingly preserved and passed on. I'm not willing yet to give up on them—despite the severe problems with their affirmative-action programs that I described in my story, and that Mr. Perelli-Minetti confirms.

Let Rudy Be Rudy

To the editor:

In "Yes, Rudy Giuliani Is a Conservative" [Winter 2007], Steven Malanga mentions Giuliani's "support for abortion rights, gay unions, and curbs on gun ownership." This may make Rudy a conservative in New York; in Texas, it makes him a flaming liberal.

Tom McDonald
Wichita Falls, TX

To the editor:

If Giuliani were to explain his understanding of what makes great judges—interpreting legal documents, not ruling from the bench via judicial fiat—an awful lot of the social conservatives' angst over the man would dissipate. Our concern over gay marriage, abortion on demand, and limitations on Second Amendment rights is not that a president will pass them into law; he or she cannot. And we know that the legislatures never will. Our fear, which Giuliani can dispel with ease, is that a president will appoint activist federal judges who will continue to change the balance of power in Washington. Only then could the social issues that Giuliani may identify with be enshrined in law.

By the way, persuade him to name his running mate at the beginning of the primary season. Michael Steele would be a great choice, and the social-conservative wing of the GOP would be in Rudy's pocket.

Stephen Graham
Royal Oak, MD

To the editor:

Simple question: Can Rudy beat Hillary in New York State? If so, that would seal the presidential election, as the Democrats probably can't win without New York.

Howard Sandler
Bethesda, MD

Lone Star Hate

To the editor:

Thanks to Rod Dreher for honestly reporting what is going on in the Dallas Muslim community ["Muslim Mau-Mauing," Winter 2007]. If Muslims there are angry about their radical activities being exposed, maybe they should stop doing the hate thing. Intimidation is a big part of Muslim relations, and I am thankful that the *Dallas Morning News* is not intimidated.

Sara Johnson
Houston, TX

To the editor:

The covert malice of supposedly moderate Muslims is the big untold story of the conflict between Islam and the West. After a "moderate" Muslim has spoken soothing words in public, it's striking how easy it is, with a little Googling, to uncover a private radical past. If Muslims are shaking their fists in your face, you are on the right track and should stick with it, confronting them with their radical views. More and more, I've come to believe that the pursuit of the mythical moderate Muslim is like chasing Sasquatch. Lots of folks claim to have spotted one, but nobody can produce one.

Yours will be a lonely job, because most of America is simply unaware of what's going on in the mosques in their own communities. I suspect that the deeper you dig, the worse it will get.

Steve Gregg
Washington, DC

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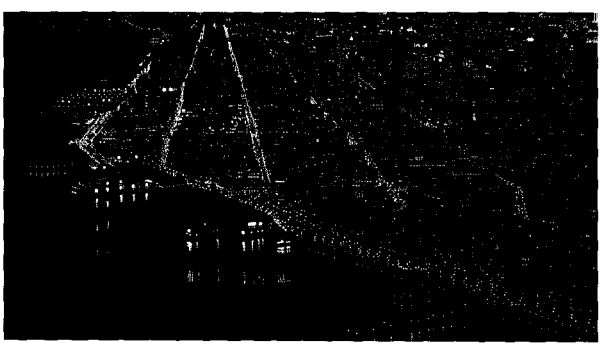

Cover artist Colin Brown was born in Ithaca, New York. He holds an M.A. from New York University's program in painting in Venice, Italy, and a B.F.A. from the State University of New York at Purchase. He is represented in New York by Fischbach Gallery. On the cover: a detail of *Constellation* (2006), which Brown created by applying a layer of black carbon to a white undersurface, and then using a jeweler's tool to remove tiny amounts of it.

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The Big White Lie

Andrew Klavan

The thing I like best about being a conservative is that I don't have to lie. I don't have to pretend that men and women are the same. I don't have to declare that failed or oppressive cultures are as good as mine. I don't have to say that everyone's special or that the rich cause poverty or that all religions are a path to God. I don't have to claim that a bad writer like Alice Walker is a good one or that a good writer like Toni Morrison is a great one. I don't have to pretend that Islam means peace.

Of course, like everything, this candor has its price. A politics that depends on honesty will be, by nature, often impolite. Good manners and hypocrisy are intimately intertwined, and so conservatives, with their gimlet-eyed view of the world, are always susceptible to charges of incivility. It's not really *nice*, you know, to describe things as they are.

This is leftism's great strength: it's all white lies. That's its only advantage, as far as I can tell. None of its programs actually works, after all. From statism and income redistribution to liberalized criminal laws and multiculturalism, from its assault on religion to its redefinition of family, leftist policies have made the common life worse wherever they're installed. But because it depends on—indeed is defined by—describing the human condition inaccurately, leftism is nothing if not polite. With its tortuous attempts to rename unpleasant facts out of existence—he's not crippled, dear, he's handicapped; it's not a slum, it's an inner city; it's not surrender, it's redeployment—leftism has outlived its own failure by hiding itself within the most labyrinthine construct of social delicacy since Victoria was queen.

This is no small thing. To rewrite the rules of courteous behavior is to wield enormous power. I see it in Southern California, in the bleeding heart of leftism, where I live. I've been banned from my monthly poker game, lost tennis partners, lost friends—not because I'm belligerent but because I've wondered aloud if the people shouldn't be allowed to make their own abortion laws, say, or if the world might not be a better place without the UN.

It's a rotten feeling. I sometimes think that I'd rather be deemed evil than a boor. Wickedness has some flair to it, even a whiff of radicalism. If you molest a child, there's always a chance that you can get the ACLU to defend you as a cultural innovator. But if you make a remark at table about the destructive social effects of broken homes and then discover that your dinner partner is a divorcée—trust me, you feel like a real louse. It's manners, not morals, that lay the borderlines of our behavior.

This, I believe, is the reason conservative politicians so often lose their nerve, why they back down in debate even when they're clearly right. No one wants to be condemned as a brute—especially not conservatives, who still retain some vague memory of how worthy it is to be a lady or gentleman.

And because we've allowed leftists to define the language of political good manners—don't say women are less scientific; don't remark that black people bear the same responsibility for their actions as whites; don't point out that the gunman was a Muslim, it's not nice—the sort of person willing to speak the truth isn't always the sort of person you want to be seen with. It sometimes takes, I mean, a Rush Limbaugh or a Sean Hannity to withstand the obloquy attached to stating the facts of the matter. If these people in their public personae seem harsh to more genteel conservatives, it may be because it requires that extra dollop of aggression to shatter the silence created by the Left's increasingly elaborate sensitivities.

Still, mannerly as we would rather be, truth-telling continues to be both compelling and ultimately satisfying. There is, after all, something greater than courtesy. "Firmness in the right," Lincoln called it, "as God gives us to see the right." We find ourselves at a precarious moment in an endeavor of great importance: namely, the preservation of Western rationalism and liberty. It does mankind no good to allow so magnificent an enterprise to slip away merely for fear of saying the wrong thing. ▪

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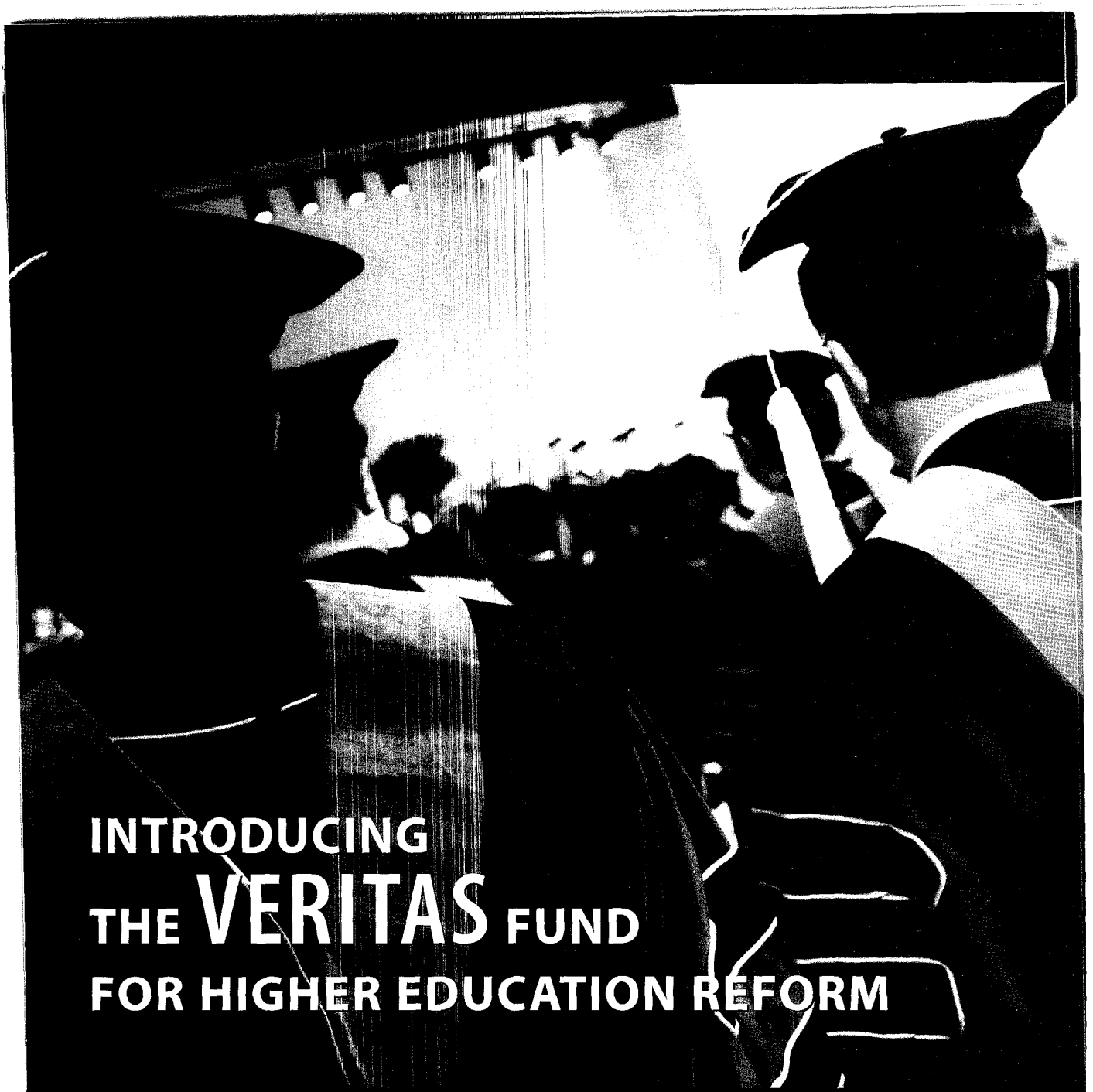

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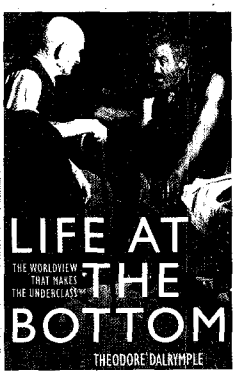

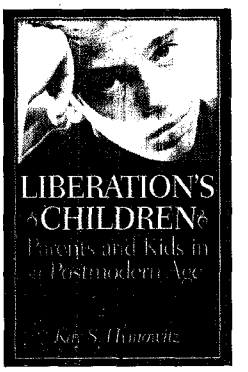

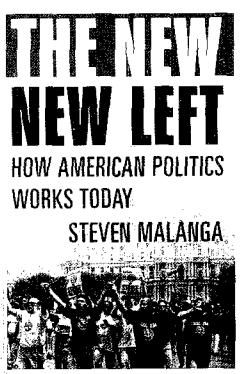

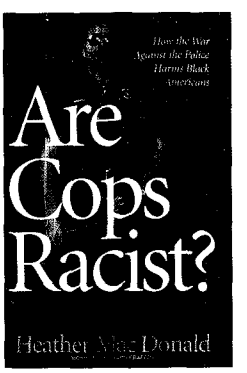

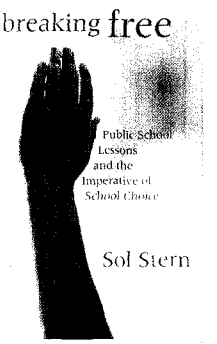

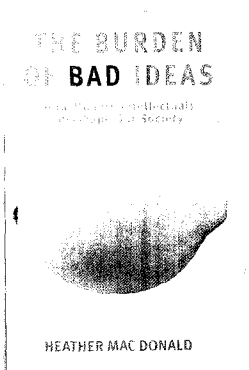

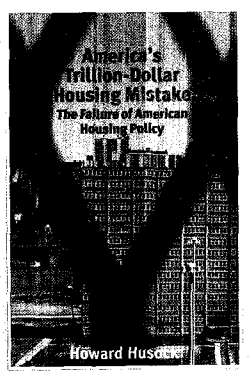

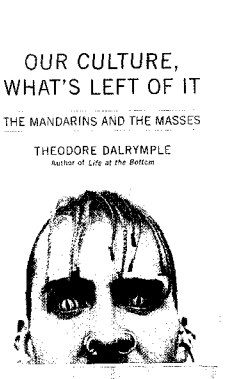

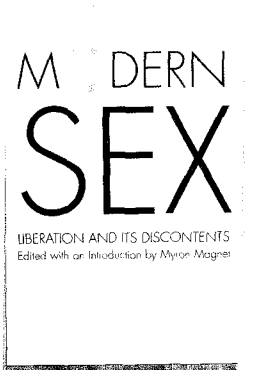

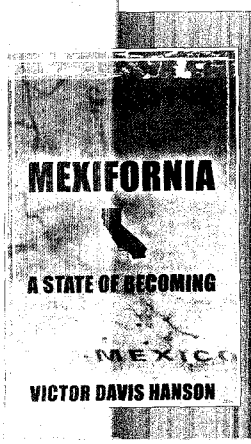

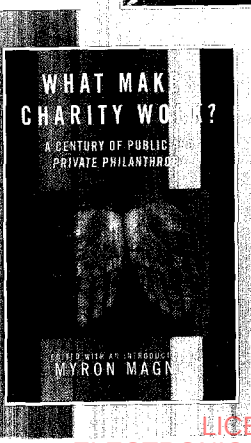

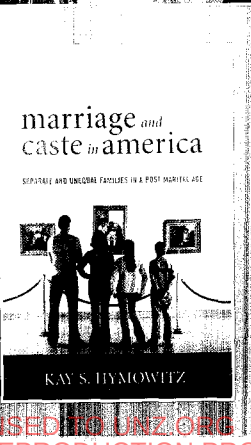

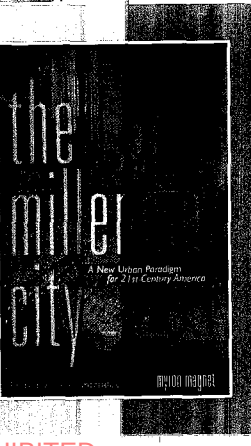

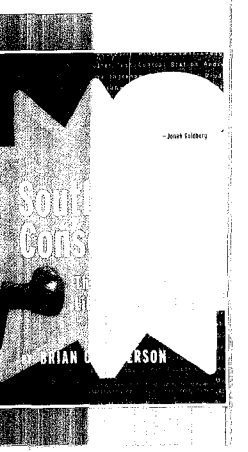

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